FEDERAL REGISTER

VOLUME 12 NUMBER 248

Washington, Saturday, December 20, 1947

TITLE 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—LAND UTILIZATION PROGRAM UNDER THE BANKHEAD-JONES FARM TENANT ACT

FUNCTIONS DESIGNATED TO CHIEF OR ACTING CHIEF OF SERVICE

Pursuant to the provisions of the Bankhead-Jones Farm Tenant Act, as amended (50 Stat. 522, 56 Stat. 725; 7 U. S. C. and Supp., 1000–1029) and in accordance with section 402 of Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., c. IV) § 601.11 (a) (10) (7 CFR, 1944 Supp., Part 601) of Chapter VI, Title 7, Code of Federal Regulations, is hereby revoked; and by virtue of the provisions of the aforesaid Bankhead-Jones Farm Tenant Act, as amended, supra, § 601.11 (a) (8) (7 CFR, 1944 Supp., Part 601) as amended, of said Chapter VI, Title 7, Code of Federal Regulations, is hereby further amended to read as follows:

§ 601.11 *Administration of Land Conservation and Land Utilization Program*—(a) *Functions designated to Chief or Acting Chief of Service.* * * *

(8) Consent on behalf of the United States to States, municipalities, universities and colleges (i) granting or creating rights in favor of third parties with respect to project lands administered under cooperative and license agreements and leases and (ii) constructing dwellings on project lands so administered; and execute amendments making additional lands subject to, or eliminating lands from, the aforesaid instruments made with the above-mentioned agencies.

(50 Stat. 522, 56 Stat. 725, 7 U. S. C. and Supp., 1000–1029; sec. 402 of Reorg. Plan No. 3 of 1946, 3 CFR, 1946 Supp., c. IV)

Done at Washington, D. C., this 16th day of December 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-11178; Filed, Dec. 19, 1947; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 904—MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended effective August 1, 1947, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. The provisions "for January 1948" and "minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents" in subdivision (vii) of § 904.7 (a) (1) do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the months of January, February and March 1948; and

2. In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate, promote, and maintain the orderly marketing of milk produced in January, February and March 1948 for the Greater Boston, Massachusetts, milk marketing area, and in that the time intervening between the date when the need for this section became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof and publication or service of this order 30 days prior to its effective date. The changes affected by this suspension order do not require substantial or extensive preparation for the effective date by persons affected. In view of this, and the public interest, the time intervening between the date of the issuance of this suspension order and its effective date, affords

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

CODIFICATION GUIDE—Con.

persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the provisions "for January 1948" and "minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents" in subdivision (vii) of § 904.7 (a) (1) be and they hereby are suspended with respect to all milk subject to the provisions of the order during the months of January, February and March 1948.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of December 1947.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-11162; Filed, Dec. 19, 1947; 8:50 a. m.]

[Orange Reg. 132]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.368 *Orange Regulation 132*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, 1946 Supp., Part 933, 12 F. R. 7383), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 22, 1947, and ending at 12:01 a. m., e. s. t., December 25, 1947, and the period beginning at 12:01 a. m., e. s. t., January 1, 1948, and ending at 12:01 a. m., e. s. t., January 5, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the United States Standards for citrus fruits, as amended (12 F. R. 6277)

(ii) Any container of oranges, except Temple oranges, grown in Regulation Area I which grade U. S. Combination Grade (as such grade is defined in the aforesaid amended United States Standards) unless at least sixty percent (60%) by count, of the total quantity of oranges in such container meets the requirements of U. S. No. 1 grade (as such grade is defined in the aforesaid amended United States Standards) and each of the remainder of the oranges meets all other requirements of the aforesaid U. S. Combination Grade; or

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2, U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the aforesaid amended United States Standards) *Provided,* That, any such oranges that grade U. S. No. 2, as aforesaid, may be shipped only if such oranges also meet

the additional requirements specified in the U. S. Combination Grade (as such grade is defined in the aforesaid amended United States Standards) for oranges meeting the requirements of the U. S. No. 2 grade.

(2) During the period beginning at 12:01 a. m., e. s. t., January 5, 1948, and ending at 12:01 a. m., e. s. t., January 12, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the aforesaid amended United States Standards) or

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the aforesaid amended United States Standards)

(3) During the period beginning at 12:01 a. m., e. s. t., December 22, 1947, and ending at 12:01 a. m., e. s. t., December 25, 1947, and the period beginning at 12:01 a. m., e. s. t., January 1, 1948, and ending at 12:01 a. m., e. s. t., January 12, 1948, no handler shall ship any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States Standards) in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated Sec. 595.09))

(4) During the period beginning at 12:01 a. m., e. s. t., December 22, 1947, and ending at 12:01 a. m., e. s. t., December 25, 1947, and the period beginning at 12:01 a. m., e. s. t., January 1, 1948, and ending at 12:01 a. m., e. s. t., January 12, 1948, no handler shall ship any Temple oranges, grown in the State of Florida, which grade U. S. No. 2, U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the aforesaid amended United States Standards) *Provided,* That any such Temple oranges that grade U. S. No. 2, as aforesaid, may be shipped only if such Temple oranges also meet the additional requirements specified in the U. S. Combination Grade (as such grade is defined in the aforesaid amended United States Standards) for oranges meeting the requirements of the U. S. No. 2 grade.

(5) During the period beginning at 12:01 a. m., e. s. t., December 25, 1947, and ending at 12:01 a. m., e. s. t., January 1, 1948, no handler shall ship any oranges, including Temple oranges, of any variety grown in the State of Florida.

(6) As used in this section, the terms "handler," "ship," "variety," "Regulation Area I," and "Regulation Area II" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of December 1947.

[SEAL] C. F KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-11250; Filed, Dec. 19, 1947; 9:28 a. m.]

[Grapefruit Reg. 94]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.369 *Grapefruit Regulation 94*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, 1946 Supp., Part 933, 12 F. R. 7383) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* Except as otherwise provided in subparagraph (2) of this paragraph:

(1) During the period beginning at 12:01 a. m., e. s. t., December 22, 1947, and ending at 12:01 a. m., e. s. t., January 12, 1948, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States Standards for citrus fruits, as amended (12 F. R. 6277)),

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States Standards) in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated Sec. 595.09)),

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States Standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit) or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States Standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit)

(2) During the period beginning at 12:01 a. m., e. s. t., December 25, 1947, and ending at 12:01 a. m., e. s. t., January 1, 1948, no handler shall ship any grapefruit of any variety grown in the State of Florida.

(3) As used in this section, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of December 1947.

[SEAL] C. F KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-11246; Filed, Dec. 19, 1947; 9:27 a. m.]

[Tangerine Reg. 68]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.370 *Tangerine Regulation 68*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, 1946 Supp., Part 933, 12 F. R. 7383) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is

based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* Except as otherwise provided in subparagraph (2) of this paragraph:

(1) During the period beginning at 12:01 a. m., e. s. t., December 22, 1947, and ending at 12:01 a. m., e. s. t., January 12, 1948, no handler shall ship:

(i) Any tangerines, grown in Regulation Area I, which grade U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States Standards for Tangerines, as amended (12 F. R. 2619))

(ii) Any container of tangerines, grown in Regulation Area I, which grade U. S. Combination Grade (as such grade is defined in the aforesaid amended United States Standards) unless at least sixty percent (60%) by count, of the total quantity of tangerines in such container meets the requirements of U. S. No. 1 grade (as such grade is defined in the aforesaid amended United States Standards) and each of the remainder of the tangerines meets all other requirements of the aforesaid U. S. Combination Grade;

(iii) Any tangerines, grown in Regulation Area II, which grade U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the aforesaid amended United States Standards) *Provided,* That, any such tangerines that grade U. S. No. 2, as aforesaid, may be shipped only if such tangerines are fairly uniform in color; or

(iv) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States Standards) in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches)

(2) During the period beginning at 12:01 a. m., e. s. t., December 25, 1947, and ending at 12:01 a. m., e. s. t., January 1, 1948, no handler shall ship any tangerines grown in the State of Florida.

(3) As used in this section, "handler," "ship," "Regulation Area I," and "Regulation Area II" shall have the same meaning as is given to each such term in said amended marketing agreement and order, and the term "fairly uniform in color" shall have the same meaning as when used in the U. S. Combination Grade as such grade is defined in the aforesaid amended United States Standards. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of December 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-11247; Filed, Dec. 19, 1947; 9:27 a. m.]

PART 934—MILK IN LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended effective August 1, 1947, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. The provisions "for January 1948," and "minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents" in subdivision (vii) of § 934.6 (a) (1) do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the months of January, February and March 1948; and

2. In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate, promote and maintain the orderly marketing of milk produced in January, February and March 1948 for the Lowell-Lawrence, Massachusetts, milk marketing area, and in that the time intervening between the date when the need for this action became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof and publication or service of this order 30 days prior to its effective date. The changes effected by this suspension order do not require substantial or extensive preparation for the effective date by persons affected. In view of this, and the public interest, the time intervening between the date of the issuance of this suspension order and its effective date, affords persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the provisions "for January 1948," and "minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents" in subdivision (vii) of § 934.6 (a) (1) be and hereby are suspended with respect to all milk subject to the provisions of the order during the months of January, February and March 1948.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of December 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-11180; Filed, Dec. 19, 1947; 8:50 a. m.]

PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.) hereinafter referred to as the "act," and of the order, as amended effective August 1, 1947, regulating the handling of milk in the Fall River, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. The provisions "for January 1948" and "minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents" in subdivision (vii) of § 947.6 (a) (1) do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the months of January, February and March 1948; and

2. In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate, promote and maintain the orderly marketing of milk produced in January, February and March 1948 for the Fall River, Massachusetts, milk marketing area, and in that the time intervening between the date when the need for this action became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof, and publication or service of this order 30 days prior to its effective date. The changes affected by this suspension order do not require substantial or extensive preparation for the effective date by persons affected. In view of this, and the public interest, the time intervening between the date of the issuance of this suspension order and its effective date, affords persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the provisions "for January 1948" and "minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents" in subdivision (vii) of § 947.6 (a) (1) be and they hereby are suspended with respect to all milk subject to the provisions of the order during the months of January, February and March 1948.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 17th day of December 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-11181; Filed, Dec. 19, 1947; 8:50 a. m.]

[Lemon Reg. 253]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.360 *Lemon Regulation 253*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 21, 1947, and ending at 12:01 a. m., P. s. t., December 28, 1947, is hereby fixed at 215 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of December 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage Date: December 14, 1947

[12:01 a. m. December 21, 1947, to 12:01 a. m. January 4, 1948]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co	.102
American Fruit Growers, Corona	.371
American Fruit Growers, Fullerton	.305
American Fruit Growers, Lindsay	.067
American Fruit Growers, Upland	.236
Consolidated Citrus Growers	.310
Hazeltine Packing Company	1.216
McKellips, C. H.-Phoenix Citrus Co	.218
McKellips Mutual Citrus Growers Inc	.234
Phoenix Citrus Packing Co	081
Ventura Coastal Lemon Co	3.057
Ventura Pacific Co	1.626
Total A. F. G	7.823
Arizona Citrus Growers	.698
Desert Citrus Growers Co	447
Mesa Citrus Growers	.283
Klink Citrus Association	3.639
Lemon Cove Association	3.293
Glendora Lemon Growers Association	1.242
La Verne Lemon Association	798
La Habra Citrus Association, The	438
Yorba Linda Citrus Association, The	.249
Alta Loma Heights Citrus Association	.372
Etiwanda Citrus Fruit Association	408
Mountain View Fruit Association	.526
Old Baldy Citrus Association	692
Upland Lemon Growers Association	5.429
Central Lemon Association	.195
Irvine Citrus Association, The	478
Placentia Mutual Orange Association	.320
Corona Citrus Association	.551
Corona Foothill Lemon Co	1.241
Jameson Co	699
Arlington Heights Citrus Co	754
College Heights Orange & Lemon Association	4.266
Chula Vista Citrus Association, The	406
El Cajon Valley Citrus Association	.098
Escondido Lemon Association	1.933
Fallbrook Citrus Association	1.273
Lemon Grove Citrus Association	.168
San Dimas Lemon Association	1.151
Carpinteria Lemon Association	3.195
Carpinteria Mutual Citrus Association	3.132
Goleta Lemon Association	3.058
Johnston Fruit Co	7.444
North Whittier Heights Citrus Association	.282
San Fernando Heights Lemon Association	2.511
San Fernando Lemon Association	1.543
Sierra Madre-Lamanda Citrus Association	1.487
Tulare County Lemon & Grapefruit Association	4.599
Briggs Lemon Association	1.594
Culbertson Investment Co	715
Culbertson Lemon Association	759
Fillmore Lemon Association	1.414
Oxnard Citrus Association:	
Plant No. 1	3.219
Plant No. 2	2.001
Rancho Sespe	.350
Santa Paula Citrus Fruit Association	2.006
Saticoy Lemon Association	4.118
Seaboard Lemon Association	2.911
Somis Lemon Association	1.646
Ventura Citrus Association	1.548
Limoneira Co	.969
Teague-McKevett Association	.370
East Whittier Citrus Association	.275

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Leffingwell Rancho Lemon Association	0.064
Murphy Ranch Co	.290
Whittier Citrus Association	.241
Whittier Select Citrus Association	.201
Total C. F. G. E	83.989
Arizona Citrus Products Co	.122
Chula Vista Mutual Lemon Association	.634
Escondido Cooperative Citrus Association	.345
Glendora Cooperative Citrus Association	.056
Index Mutual Association	.052
La Verne Cooperative Citrus Association	2.169
Libbey Fruit Co	.283
Orange Cooperative Citrus Association	.110
Pioneer Fruit Co	.237
Tempe Citrus Co	.114
Ventura Co. Orange & Lemon Association	1.608
Whittier Mutual Orange & Lemon Association	151
Total M. O. D	5.881
Abbate, Chas. Co., The	.000
California Citrus Groves, Inc. Ltd	.200
Evans Bros. Pkg. Co., Riverside	.032
Sentinel Butte Ranch	.464
Harding & Leggett	.611
Leppla-Pratt, Produce Distributors, Inc	.000
Levinson, Sam	.077
Morris Bros	.000
Orange Belt Fruit Distributors	.518
Potato House, The	.014
Rooke, B. G., Packing Company	.053
San Antonio Orchard Co	.052
Valley Citrus Packing Co	.000
Verity, R. H., Sons & Co	.286
Total independents	2.307

[F. R. Doc. 47-11249; Filed, Dec. 19, 1947; 9:28 a. m.]

[Orange Reg. 209]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.355 *Orange Regulation 209*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Pro-

cedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 21, 1947, and ending at 12:01 a. m., P. s. t., December 28, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, no movement; and (*c*) Prorate District No. 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, 500 carloads; (*b*) Prorate District No. 2, 100 carloads; and (*c*) Prorate District No. 3, 30 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington D. C., this 18th day of December 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. December 21, 1947 to 12:01 a. m. December 28, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.6958
A. F. G. Porterville	2.1554
A. F. G. Sides	7971
Ivanhoe Cooperative	.5068
Doffiemyer, W. Todd & Son	4990
Elderwood Citrus Association	.8639
Exeter Citrus Association	2.8613
Exeter Orange Growers Association	1.2281
Exeter Orchards Association	1.3302
Hillside Packing Association, The	1.5887
Ivanhoe Mutual Orange Association	1.0101
Klink Citrus Association	3.9254
Lemon Cove Association	1.5099
Lindsay Citrus Growers Association	2.5647
Lindsay Coop. Citrus Association	1.3533

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Lindsay District Orange Co	1.5244
Lindsay Fruit Association	1.9776
Lindsay Orange Growers Association	1.2039
Naranjo Packing House Co	.8428
Orange Cove Citrus Association	3.1673
Orange Cove Orange Growers Association	2.4362
Orange Packing Co	1.3499
Orosi Foothill Citrus Association	1.3401
Paloma Citrus Fruit Association	.9835
Pogue Packing House, J. D.	.6238
Rocky Hill Citrus Association	1.0444
Sanger Citrus Association	2.8732
Sequoia Citrus Association	.9527
Stark Packing Corp	2.2628
Visalia Citrus Association	.9139
Waddell & Son	2.1449
Butte County Citrus Association, Inc	.5632
Mills Orchard Co., James	.5139
Orland Orange Growers Association, Inc	.6273
Andrews Edison Groves	.4023
Baird-Neece Corp	1.1746
Beattie Association, Agnes M.	.4853
Grand View Heights Citrus Association	2.2976
Mangolia Citrus Association, The	2.1635
Porterville Citrus Association, The	1.3236
Richgrove-Jasmine Citrus Association	1.4737
Sandilands Fruit Co	1.3062
Strathmore Cooperative Association	1.8304
Strathmore District Orange Association	1.7729
Strathmore Fruit Growers Association	1.1403
Strathmore Packing House Co	1.5313
Sunflower Packing Association	2.2490
Sunland Packing House Co	2.1635
Terra Bella Citrus Association	1.4723
Tule River Citrus Association	1.1171
Vandalia Packing Association	.5747
Kroelis Bros., Ltd	1.4274
Lindsay Mutual Groves	1.9445
Martin Ranch	1.0910
Woodlake Packing House	1.7005
Abbate Co., The Charles	.2392
Anderson, R. M. Packing Co	.8385
Baker Bros	.1273
Calif. Citrus Groves, Inc., Ltd	1.9373
Caswell, John	.0136
Chess Company, Meyer W.	.1550
Edison Groves Co	.0879
Evans Brothers Packing Co	.0160
Exeter Groves Packing Co	7298
Ghlanda Ranch Association	.0179
Harding & Leggett	1.5701
Justman-Frankenthal Co	.1335
Lo Bue Bros	.8557
Marks, W. & M.	.4250
Paramount Citrus Association	.1533
Raymond Bros	.1177
R. M. C. Porterville	2.1007
Reimers, Don H.	.2079
Rooke Packing Co., B. G.	1.5104
Toy, Chin	.0272
Webb Packing Co., Inc	7624
Wollenman Packing Co	.8293
Woodlake Heights Packing Corp	.3809
Zaninovich Bros	.4529

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.1520
A. F. G. Corona	.4124
A. F. G. Fullerton	.0544
A. F. G. Orange	.0545
A. F. G. Riverside	.5565
Hazeltine Packing Company	.1072

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Placentia Pioneer Valley Growers Association	0.0702
Signal Fruit Association	1.0483
Azusa Citrus Association	.9778
Azusa Orange Co., Inc	.1262
Damerel-Allison Co	1.1234
Glendora Mutual Orange Association	.5245
Irwindale Citrus Association	.3364
Puente Mutual Citrus Association	.0363
Valencia Heights Orchard Association	.2893
Glendora Citrus Association	.8000
Glendora Heights Orange & Lemon Growers Association	.1526
Gold Buckle Association	3.4975
La Verne Orange Association	4.3621
Anaheim Citrus Fruit Association	.0770
Anaheim Valencia Orange Association	.0129
Eadington Fruit Co., Inc	.2751
La Habra Citrus Association	.1393
Orange County Valencia Association	.0273
Orangethorpe Citrus Association	.0247
Placentia Cooperative Orange Association	.0455
Yorba Linda Citrus Association, The	.0091
Citrus Fruit Growers	.8311
Cucamonga Citrus Association	.6750
Etiwanda Citrus Fruit Association	.2312
Mountain View Fruit Association	.1630
Old Baldy Citrus Association	.4421
Rialto Heights Orange Growers	4369
Upland Citrus Association	2.0383
Upland Heights Orange Association	1.0575
Consolidated Orange Growers	.0394
Frances Citrus Association	.0033
Garden Grove Citrus Association	.0297
Goldenwest Citrus Association, The	.1126
Olive Heights Citrus Association	.0395
Santa Ana-Tustin Mutual Citrus Association	.0210
Santiago Orange Growers Association	.1501
Tustin Hills Citrus Association	.0302
Villa Park Orchards Association, The	.0213
Bradford Brothers, Inc	.2415
Placentia Mutual Orange Association	.1883
Placentia Orange Growers Association	.1560
Call Ranch	.6393
Corona Citrus Association	.8314
Jameson Company	.3261
Orange Heights Orange Association	.9245
Crafton Orange Growers Association	1.5656
E. Highlands Citrus Association	5066
Fontana Citrus Association	.5246
Highland Fruit Growers Association	.6000
Redlands Heights Groves	.9397
Redlands Orangedale Association	1.1476
Break & Son, Allen	.2242
Bryn-Mawr Fruit Growers Association	1.1254
Krinard Packing Co	1.7934
Mission Citrus Association	.7891
Redlands Cooperative Fruit Association	1.6297
Redlands Orange Growers Association	1.1309
Redlands Select Groves	.5057
Rialto Citrus Association	.5393
Rialto Orange Co	.2691
Southern Citrus Association	.9375
United Citrus Growers	7015
Zilen Citrus Co	.9339
Andrews Bros. of California	7723

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Arlington Heights Citrus Co	0.6561
Brown Estate, L. V. W	1.7441
Gavilan Citrus Association	1.6164
Hemet Mutual Groves	.3361
Highgrove Fruit Association	6077
McDermont Fruit Co	1.8773
Monte Vista Citrus Association	1.1729
National Orange Co	.8409
Riverside Heights Orange Growers Association	1.3762
Sierra Vista Packing Association	7467
Victoria Avenue Citrus Association	2.4466
Claremont Citrus Association	1.3036
College Heights Orange & Lemon Association	1.0931
El Camino Citrus Association	.5032
Indian Hill Citrus Association	1.2622
Pomona Fruit Growers Exchange	1.9840
Walnut Fruit Growers Association	.3951
West Ontario Citrus Association	1.5573
El Cajon Valley Citrus Association	.2763
Escondido Orange Association	.5307
San Dimas Orange Growers Association	.8503
Covina Citrus Association	1.4261
Covina Orange Growers Association	.5299
Duarte-Monrovia Fruit Exchange	4743
Ball & Tweedy Association	.1439
Canoga Citrus Association	.0621
N. Whittier Heights Citrus Association	.1334
San Fernando Fruit Growers Association	.3242
San Fernando Heights Orange Association	.2925
Sierra Madre-Lamanda Citrus Association	.1769
Camarillo Citrus Association	.0087
Fillmore Citrus Association	1.2897
Ojai Orange Association	.9813
Piru Citrus Association	1.1292
Santa Paula Orange Association	.1135
Tapo Citrus Association	.0063
E. Whittier Citrus Association	.0144
El Ranchito Citrus Association	.0606
Rivera Citrus Association	.0462
Whittier Citrus Association	.1514
Whittier Select Citrus Association	0419
Anaheim Cooperative Orange Association	.0590
Bryn Mawr Mutual Orange Association	.5008
Chula Vista Mutual Lemon Association	.1582
Escondido Cooperative Citrus Association	.1008
Euclid Avenue Orange Association	1.9807
Foothill Citrus Union, Inc	.1072
Fullerton Cooperative Orange Association	.0458
Garden Grove Orange Cooperative, Inc	0259
Glendora Cooperative Citrus Association	.0734
Golden Orange Groves, Inc	4779
Highland Mutual Groves, Inc	4783
Index Mutual Association	0038
La Verne Cooperative Citrus Association	2.6481
Mentone Heights Association	.9037
Olive Hillside Groves	.0327
Orange Cooperative Citrus Association	.0416
Redlands Foothill Groves	2.1147
Redlands Mutual Orange Association	1.0484
Riverside Citrus Association	4366
Ventura County Orange & Lemon Association	.1927
Whittier Mutual Orange & Lemon Association	.0374
Babijuice Corporation of Calif	4489
Banks Fruit Co	.3082
Cherokee Citrus Co., Inc	1.2723

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Chess Company, Meyer W	0.3713
Evans Bros. Packing Co	1.0217
Gold Banner Association	2.0505
Granada Packing House	.8082
Hill, Fred A	7223
Inland Fruit Dealers	4395
Orange Belt Fruit Distributors	1.7501
Placentia Orchards Co	.0733
San Antonio Orchard Co	1.4121
Snyder & Sons Co., W. A	6054
Torn Ranch	.0587
Verity & Sons Co., R. H	.0835
Wall, E. T	1.4691
Western Fruit Growers, Inc., Redlands	3.1663
Yorba Orange Growers Association	.0538

Prorate District No. 3

Total	100.0000
Allen-Young Citrus Packing Co	2.0378
Consolidated Citrus Growers	7.1252
McKellips Mutual Citrus Growers, Inc	7.4192
McKellips Phoenix Citrus Co., Inc., C. H	9.7924
Phoenix Citrus Packing Co	3.9242
Arizona Citrus Growers	19.6020
Bumstead, Dale	0000
Chandler Heights Citrus Growers	2.7619
Desert Citrus Growers Co., Inc	4.4841
Mesa Citrus Growers	15.4253
Yuma Mesa Fruit Growers Association	.0000
Arizona Citrus Products Co	3.3147
Libbey Fruit Packing Co	3.8854
Pioneer Fruit Co	4.7141
Tempe Citrus Co	1.8033
Commercial Citrus Packing Co	1.2750
Dhuyvetter Bros	.8918
Ishikawa, Paul	.2498
Leppla-Pratt Products Distributors, Inc	7.4678
Macchiaroli Fruit Co., James	1.3391
Morris Bros. Fruit Co	.2660
Orange Belt Fruit Distributors	.1830
Potato House, The	.6700
Valley Citrus Packing Co	1.3679

[F. R. Doc. 47-11248; Filed, Dec. 19, 1947; 9:27 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 177—VISAS: DOCUMENTS REQUIRED OF ALIEN SEAMEN AND AIRMAN ENTERING THE UNITED STATES

CREW LIST VISAS NOT REQUIRED

CROSS REFERENCE: For addition of paragraph (h) to § 177.56, see paragraph (h) of § 65.56 under Title 22 appearing at 12 F R. 8383.

TITLE 10—ARMY

Chapter IX—Transport

PART 903—TRANSPORTATION OF INDIVIDUALS

TRANSPORTATION OF ENLISTED PERSONS UPON RETIREMENT

In § 903.4 (12 F R. 1348) paragraph (a) is superseded by the following:

§ 903.4 *Enlisted persons, upon retirement*—(a) *Transportation.* There is no authority of law for issuing a transportation request to an enlisted person upon retirement for any distance for which the law provides that such person receive travel pay at the rate of 5 cents per mile. For sea travel involved in travel between place of retirement and place to which travel is authorized, only transportation in kind shall be allowed for such sea travel, subject to paragraph (b) of this section; *Provided,* That where such person is permitted by the Department of the Army to select as a residence a foreign country under the conditions set forth in current Army regulations, transportation in kind involving sea travel thereto may be furnished only when the action required by said regulations has been taken and it is so stated in competent travel orders.

* * * * *

[Par. 18*a*, AR 55-120, Apr. 26, 1943, as amended by C 20, Dec. 8, 1947] (R. S. 161, 41 Stat. 604, 49 Stat. 421, 5 U. S. C. 22, 10 U. S. C. 756, 756b)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-11176; Filed, Dec. 19, 1947; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. OR 10]

PART 1—FUNCTIONS AND ORGANIZATION

MISCELLANEOUS AMENDMENTS

Under authority contained in R. S. 161 (5 U. S. C. 22) and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 238), Part 1 of Title 22 of the Code of Federal Regulations is amended as indicated hereunder.

1. Section 1.160 *Counselor* is amended to read as follows:

§ 1.160 *Counselor*—(a) *Purpose.* To advise and assist the Secretary in the consideration and solution of problems of foreign relations as assigned to him, and in the maintenance of liaison with the Congress and the Bureau of the Budget in connection with the development and implementation of United States foreign policy except with respect to security, budgetary, and other administrative matters which do not come within the scope of the provisions of this part.

(b) *Major functions.* The Counselor, who serves with the rank of an Assistant Secretary of State:

(1) Performs such functions in the field of foreign affairs as may be assigned to him by the Secretary or the Under Secretary.

(2) Has responsibility for the maintenance of liaison with the Congress, including direction of:

(i) Consultation with Members of the Congress concerning foreign-policy developments, legislative proposals, and related matters, including testimony before Congressional committees.

(ii) Correspondence with Members of the Congress and with Government offi-

cials and private individuals concerning Congressional matters.

(iii) Development of the Department's legislative program; and the presentation to the Congress of legislative proposals, and treaties and other international agreements.

(iv) Maintenance of liaison with the Bureau of the Budget in connection with reports to Congress, proposals for legislation, and related matters.

(c) *Organization.* The office of the Counselor consists of:

(1) The immediate office of the Counselor, including the office of his Special Assistant.

(2) Legislative Counsel, who will:

(i) Assist in the preparation of legislation and coordinate its presentation to the Bureau of the Budget and the Congress, in consultation with the interested offices of the Department as to policy affecting their respective fields of responsibility.

(ii) Maintain liaison with Members of the Congress and Congressional committees concerning proposed legislation, including the furnishing of information, the making of arrangements for the scheduling of hearings and the appearance of officers before committees, and the providing of assistance to committee staffs.

(iii) Receive requests from Members of the Congress, oral or written, for expressions of opinion on proposed legislation of direct or indirect interest to the Department, and give clearance to responses.

(iv) Receive requests from the Bureau of the Budget, oral or written, for the views of the Department on proposed legislation, enrolled enactments of the Congress, and Executive orders, and give clearance to responses.

(v) Clear other reports to Congress and the Bureau of the Budget.

(vi) Clear communications between the Department of State and Members of the Congress, other departments and agencies, and private individuals, pertaining to legislative matters.

(vii) Serve as the central point for receiving requests for general information from Congressional offices.

(viii) Furnish legislative reference service to the Department and information concerning Congressional action or views on matters of current interest.

(ix) Perform such other functions as may be assigned by the Counselor within the scope of his responsibility.

(d) *Relationships within the Department.* The Counselor:

(1) Will be guided by the advice of the Under Secretary for Economic Affairs, the Assistant Secretaries, and the Legal Adviser in policy matters affecting their respective fields of responsibility. Close coordination will be effected between the related functions of the Counselor and the Assistant Secretary—Administration, the latter having responsibility for liaison with the Congress and the Bureau of the Budget in security, budgetary, fiscal, and other administrative matters, including arrangements for travel in foreign countries of Members of the Congress;

(2) Will control consultation and other relationships with Members of the Congress and the Bureau of the Budget in matters concerning legislation and the formulation and execution of foreign policy. The officers and divisions of the Department will cooperate with the Office of the Counselor in these matters for the purpose of giving advice and other assistance and of obtaining clearance and approval of any proposed action in connection therewith.

2. In § 1.400 *Assistant Secretary—Public Affairs,* paragraph (c) is amended to read as follows:

§ 1.400 *Assistant Secretary—Public Affairs.* * * *

(c) *Organization.* The office of the Assistant Secretary consists of the Deputy Assistant Secretary, UNESCO Relations Staff, Secretariat of the Interdepartmental Committee on Scientific and Cultural Cooperation, and the Office of Public Affairs and Office of Information and Educational Exchange.

(1) The Deputy Assistant Secretary is authorized to take all necessary action relating to international programs for the exchange of information and culture among peoples of the world and to domestic programs designed to inform the American people concerning foreign relations, including the signing of all papers and documents relating thereto.

(i) Such delegation of authority does not extend to any duties or functions which, under existing law, can only be exercised by the Secretary of State or by an Assistant Secretary of State acting in his behalf. In the absence of the Assistant Secretary—Public Affairs, such duties are performed by the Assistant Secretary—Political Affairs or, in his absence, the Assistant Secretary—Economic Affairs.

(ii) Such delegation of authority is exercised under the general direction and control of the Assistant Secretary—Public Affairs or, during his absence, the Secretary of State.

(iii) Such delegation of authority does not affect any delegation of authority to any subordinate officials below the rank of Assistant Secretary of State.

3. In § 1.520 *Office of Financial and Development Policy,* paragraph (c) is amended to read as follows:

§ 1.520 *Office of Financial and Development Policy.* * * *

(c) *Organization.* The Office consists of the office of the Director, including advisers and the Information Unit; Executive Officer; Division of Financial Affairs; Division of Investment and Economic Development; Division of Economic-Property Policy; and Division of Occupied-Area Economic Affairs.

4. In § 1.1010 *Office of American Republic Affairs,* paragraphs (b) (11) and (c) (2) (ii) are amended to read as follows:

§ 1.1010 *Office of American Republic Affairs.* * * *

(b) *Major functions.* The Office performs the following functions:

* * * * *

(11) Assists the Assistant Secretary for Political Affairs in carrying out the liquidation and orderly disposition of the affairs of the Office of Inter-American Affairs, Institute of Inter-American Transportation, Inter-American Navigation Corporation, and Prencinradio, Inc., furnishing one of the directors for these corporations.

(c) *Organization.* * * *

(2) Office of the Executive Officer: * * *

(ii) Assists the Director in reevaluating established objectives, programs, and organization in the light of current developments.

5. Section 1.1824 *Board of Examiners for the Foreign Service* is added, as follows:

§ 1.1824 *Board of Examiners for the Foreign Service.*—(a) *Purpose.* To provide for and supervise the conduct of examinations given to candidates for appointment as Foreign Service Officers.

(b) *Organization.* The Board of Examiners for the Foreign Service functions under the general supervision of the Board of the Foreign Service and within regulations prescribed by the Secretary.

(c) *Representation.* The Board shall consist of the following members: the Director General of the Foreign Service, who shall be chairman; the Director of the Office of the Foreign Service; the Executive Director of the Board of Examiners for the Foreign Service; the Chief of the Division of Foreign Service Personnel; a Foreign Service officer to be designated by the Director General; an officer of the Department of Agriculture designated by the Secretary of Agriculture and acceptable to the Secretary of State; an officer of the Department of Commerce designated by the Secretary of Commerce and acceptable to the Secretary of State; an officer of the Department of Labor designated by the Secretary and acceptable to the Department of State; and the Chief Examiner of the Civil Service Commission.

(d) *Authority.* The Board of Examiners for the Foreign Service is established under regulations prescribed by the Secretary in accordance with section 212 under Public Law 724 (79th Congress).

This regulation will be effective on the date of publication in the FEDERAL REGISTER.

Approved: December 16, 1947.

For the Secretary of State.

[SEAL] DONOVAN Q. ZOOK,
Acting Chief,
Division of Organization and Budget.

[F. R. Doc. 47-11217; Filed, Dec. 19, 1947; 9:09 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

Designation of acting housing expediter. Ed Dupree is hereby designated to act as Housing Expediter during my absence on December 19, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Housing and Rent Act of

1947, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such period.

(P L. 129, 80th Congress)

Issued this 17th day of December 1947.

TIGHE E. WOODS,
Acting Housing Expediter

[F. R. Doc. 47-11210; Filed, Dec. 19, 1947; 9:00 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) the special regulations governing bridges where constant attendance of draw tenders is not required across navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, are amended as follows:

1. In § 203.241 (33 CFR, Supps., Part 203) amend the heading, and in paragraph (f) delete the subparagraphs designated "Tante Phine Pass, La.," and "Caddo Lake, La.," and add a new subparagraph relating to the Texas and New Orleans Railroad Company bridge across Bayou Plaquemine Brule near Midland, La., as follows:

§ 203.241 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which this section applies, and the advance notice required in each case, are as follows:

* * * * *

Bayou Plaquemine Brule, La., Texas and New Orleans Railroad Company bridge near Midland, La. (At least twenty-four hours' advance notice required.)

* * * * * *

2. In § 203.556 (f) (33 CFR, Supps., Part 203) add subparagraphs relating to the Tide Water Associated Oil Company bridge across Tante Phine Pass at Southdown, La., and to the bridge of Kansas City, Shreveport and Gulf Railway Company operated by Kansas City Southern Railway Company, across Caddo Lake near Mooringsport, La., as follows:

§ 203.556 *Mississippi River and its navigable tributaries and outlets: bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which this section applies, and the advance notice required in each case, are as follows:

* * * * *

Tante Phine Pass, La., Tide Water Associated Oil Company bridge near Venice, La. (At least twenty-four hours' advance notice required.)

Caddo Lake, La., bridge of Kansas City, Shreveport and Gulf Railway Company, operated by Kansas City Southern Railway Company, near Mooringsport, La. (At least twenty-four hours' advance notice required.)

* * * * *

[Regs. 24 Nov. 1947, CE 823 (Plaquemine Brule Bayou—Midland, La.) ENGWR] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

[SEAL] EDWARD F WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-11177; Filed, Dec. 19, 1947; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter A—Organization

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

CHANGE IN FIELD DIVISIONS OF OFFICE OF THE CHIEF INSPECTOR

Effective January 1, 1948 paragraph (b) of § 1.9 (39 CFR 1946 Supp., 1.9) as amended (12 F R. 5758, 5878) is further amended by changing the matter within the parentheses following the words Denver Division to read as follows: "comprising Arizona, Colorado, New Mexico, Utah and Wyoming" and by changing the matter within the parentheses following the words San Francisco Division to read as follows: "comprising California, Nevada, Canton Island, Guam, the Territory of Hawaii and American Samoa."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

Dated: December 9, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-11212; Filed, Dec. 19, 1947; 8:49 a. m.]

Subchapter B—Regulations

PART 6—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 6:

1. Effective January 1, 1948, § 6.10 is amended by the addition of a new paragraph (h) reading as follows:

§ 6.10 *Provisions relating to address.* * * *

(h) Domestic mail, including that for all the possessions of the United States, bearing on the address side adhesive seals or stickers other than allowable postage stamps, shall be treated as unmailable.

(R. S. 396, sec. 1, 25 Stat. 1, sec. 304, 42 Stat. 24, sec. 1, 25 Stat. 1, as amended; 5 U. S. C. 369, 39 U. S. C. 249)

2. Effective at once § 6.15, as amended (39 CFR, 1946 Supp. 6.15), is further amended by the addition of a new paragraph (l) reading as follows:

§ 6.15 *When articles liable to damage mail or injure employees may be accepted.* * * *

(l) Christmas and other greeting cards bearing particles of glass, metal, miter, tinsel, and other similar substances for decorative purposes which are likely to rub off and injure postal employees and canceling machines must be enclosed in envelopes tightly sealed to the corners with postage prepaid at the first-class rate in order that such cards may be accepted for mailing.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

Dated: December 9, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-11211; Filed, Dec. 19, 1947; 8:49 a. m.]

PART 15—SPECIAL DELIVERY

SPECIAL DELIVERY FEES

Effective at once, paragraph (a) of § 15.2 (39 CFR, 15.2) is amended to read as follows:

§ 15.2 *Rate on special-delivery matter* (a) To procure the most expeditious handling and transportation practicable and the immediate delivery of mail matter at the office of address, special-delivery stamps shall be affixed thereto, in addition to the regular postage, in accordance with the following schedule: Matter weighing not more than 2 pounds, if of the first class, 13 cents; if of any other class, 17 cents; matter weighing more than 2 but not more than 10 pounds, if of the first class, 20 cents, if of any other class, 25 cents; matter weighing more than 10 pounds, if of the first class, 25 cents, if of any other class, 35 cents: *Provided,* That under such regulations as the Postmaster General may prescribe, ordinary postage stamps of equivalent value may be accepted in lieu of the special-delivery stamps herein specified. (Sec. 2, 46 Stat. 1469, sec. 4, 58 Stat. 733; 39 U. S. C. and Sup. 276b)

Dated: December 9, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-11213; Filed, Dec. 19, 1947; 8:47 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; MERCHANDISE PROHIBITED IN MAILS TO MEXICO

Effective at once the regulations under the country "Mexico" (39 CFR, Part 21), as amended (12 F. R. 3301, 6809) are further amended by changing the regulations following the heading "By regulations of the Mexican Import Control" and also in the subitem "Prohibitions" of the item "Parcel Post" to read as follows:

Fresh and preserved fruits: This includes ordinary sliced dried fruits, prunes and raisins; however, other dried fruits, brandied fruits, olives, or nuts are admitted.

Preserved meats: Other than ham, sausage, bacon and canned meat or seafood without vegetables.

Cosmetics, perfumes and toilet kits: However, creams, toothpastes, face powders, deodorants and hair dyes are admitted.

Jewelry of precious or nonprecious metal or other substances, with or without precious stones; also cut diamonds. However, jewelry of silver with precious stones is admitted, as are uncut diamonds to be cut in Mexico.

Ready-made wearing apparel and sewn parts thereof, made of cotton or of wool or other animal fibers except silk. However, the following and similar articles are admitted: Ties, collars, handkerchiefs, garters and girdles of cotton or wool; and shirts or undershirts of cotton of plain weave.

Hosiery of silk, artificial fabrics, or wool, even if decorated.

Cotton cloth oiled, waxed, or coated with pyroxylin. However, cloth treated with rubber or plastic materials is admitted.

Velvet cloth made of cotton or artificial fibers, or of wool or other animal fibers except silk.

Carpets of wool or other animal fibers except silk, carpets of cotton, jute, artificial fabrics or fabrics containing silk are admitted.

Fur wearing apparel, i. e., garments and parts thereof made of leather or skin with its hair. However, jackets and other garments made of leather without the hair are admitted.

Leather bags, purses and wallets weighing up to one kilogram (2⅕ pounds) each.

Tanned hides with the hair.

Pictures, statues and antiques at least 100 years old.

Fountain pens, mechanical pencils and penholders of any material other than fine metal, with gold, silver, or goldplated parts. Similar articles of plastic or other material without gold, silver or goldplated parts are admitted.

Radio receivers and phonographs. However, radio transmitters and parts used in the manufacture of radios and phonographs are admitted.

Watches, wrist or pocket, other than repeating. Watch cases, works or other parts are admitted.

Worked glass and crystal in pieces, with or without mountings or decorations. Plain glass bottles or other containers, and other manufactured glass articles, are admitted.

Advertisements, calendar and price lists on loose sheets (prohibited after January 1, 1948).

The prohibitions do not apply to articles imported into the following free zones and districts:

(a) Enzenada, Tijuana, Algodones, Tecate and Mexicali in Baja California.

(b) Cozumel, Chetumal, Xealak and Isla de Mujeres in the Territory of Quintana Roo.

(c) The partial free zone established in northwestern Sonora, bounded as follows: On the north by the international boundary from the Colorado River to a joint 10 kilometers east of Coneita; thence straight to the coast at a point 10 kilometers east of point Penasco; thence to the Colorado River and the place of beginning.

(d) The free ports of Coatzacoalcos, Vera Cruz; Salina Cruz, Oax.; and Topolebambo, Sin.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

Dated: December 10, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-11214; Filed, Dec. 19, 1947; 8:49 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

AIR LETTER SERVICE TO FOREIGN COUNTRIES

Effective at once Part 21 is amended by inserting a new § 21.20a reading as follows:

§ 21.20a *Air letter service.* (a) A service of air letters is available to all foreign countries at a uniform postage rate of ten cents each. Air-letter sheets which can be folded into the form of an envelope with printed postage stamp and air mail markings, are sold for ten cents each at all post offices. Messages are to be written on the inner side of the sheets. No enclosures are permitted; if anything is enclosed the article will be sent by surface means.

Air letters are given all available air service to the countries of destination, but air letters may not be sent under registration.

(b) Air-letter sheets manufactured by private individuals or concerns, if approved by the Department for such use, will be accepted for mailing provided postage has been paid in the amount of ten cents.

(c) Air-letter sheets may be manufactured by private individuals or firms for sale to the public without postage under the following conditions:

(1) Air-letter sheets must average a minimum of 150 sheets to the pound. It is recommended that the size be approximately 12 by 8½ inches unfolded including the flap and 5¾ by 3¾ inches folded. The quality and strength of the paper must be sufficient to guard against the likelihood of damage in the course of postmarking and handling, and to assure that the writing on the inner side will not interfere with the legibility of the address and return card. The portion of the sheet which forms the front of the envelope when folded shall bear the words, "Air Letter" and "Via Air Mail—Par Avion" and the edges shall bear the distinctive design generally used to identify air mail letters.

(2) Manufacturers shall submit 10 samples of proposed air-letter sheets to the Second Assistant Postmaster General, International Postal Transport, Washington 25, D. C., for approval before engaging in the production of the sheets for sale.

(d) Firms permitted to manufacture air-letter sheets are authorized to print the words "Authorized for mailing as air mail _____ Post Office Department Permit No. _____" on each sheet. (R. S. 161, 396, 398, sec. 32, 20 Stat. 362, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 23, 369, 372, 39 U. S. C. 358)

Subchapter C—Procedures and Forms

PART 50—PROCEDURES OF THE POST OFFICE DEPARTMENT

AIR-LETTER SHEETS; PERMIT TO MANUFACTURE FOR SALE

Subpart C (39 CFR, 1947 Supp. Part 50) is amended by the addition of a new § 50.1403 reading as follows:

§ 50.1403 *Air-letter sheets; permit to manufacture for sale.* Persons or firms proposing to manufacture air-letter sheets for sale shall submit ten samples of the proposed air-letter sheets to the Second Assistant Postmaster General, International Postal Transport, Washington 25, D. C. and receive the approval of the Second Assistant Postmaster General before engaging in the production of such sheets for sale. See § 21.20a of this chapter for further information. (R. S. 161, 396, 393, sec. 32, 20 Stat. 362, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 23, 369, 372, 39 U. S. C. 358)

Dated: December 11, 1947.

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-11215; Filed, Dec. 19, 1947; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Misc. 2136937]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO DIRECTOR IN SPECIFIED MATTERS

Sections 4.261 (12 F. R. 839) and 4.275 (a) (54) (12 F. R. 3566) are amended to read as follows:

§ 4.261 *Functions with respect to minerals in certain acquired lands.* (a) Pursuant to the provisions of section 402 of Reorganization Plan No. 3 of 1946, the leasing or other disposal of minerals, other than oil, gas, oil shale, coal, phosphate, sodium, potassium and sulphur, in acquired lands pursuant to the authority contained in the act of March 4, 1917 (39 Stat. 1134, 1150, 16 U. S. C. 520) Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205, 40 U. S. C. 401, 403 (a) and 408) the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118), section 55 of Title I of the act of August 24, 1935 (49 Stat. 750, 781) and the act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725, 7 U. S. C. 1011 (c) and 1018), including leases and permits heretofore issued by the Department of Agriculture, will be handled by the Bureau of Land Management in accordance with general policies established by regulations approved by the Secretary.

(b) The leasing, where authorized by law, of minerals, other than oil, gas, oil shale, coal, phosphate, sodium, potassium and sulphur in acquired lands, under the jurisdiction of the bureaus and other agencies of the Department of the Interior, except Indian lands, will be handled by the Bureau of Land Management in accordance with the general policies established under the Mineral Leasing Act, as amended, and under regulations to be submitted for approval by the Secretary.

Proceeds realized by the United States from such mineral leases will be deposited in the same funds as other funds from such acquired lands. This paragraph shall apply to permits as well as to leases.

(e) Actions taken by the Director, Bureau of Land Management, shall be subject to the right of appeal to the Secretary according to the rules of practice (43 CFR, Part 221) (R. S. 161, 5 U. S. C. 22)

CROSS REFERENCE: For regulations for disposal of these minerals, see §§ 200.31 through 200.36. For regulations for disposal of deposits of oil, gas, oil shale, coal, phosphate, sodium, potassium and sulphur in acquired lands, see §§ 200.1 through 200.10.

§ 4.275 *Functions with respect to various statutes.* (a) * * *

(54) Applications for, and the issuance, renewal, consolidation, modification, revocation, and cancellation of, oil and gas competitive and noncompetitive leases, coal leases, and coal, sodium and sulphur permits in acquired lands subject to the act of August 7, 1947 (Public Law 382, 80th Congress) in acquired lands subject to section 402, Reorganization Plan No. 3 of 1946 (11 F. R. 7875) and in acquired lands, other than Indian lands, under the jurisdiction of the bureaus and agencies of the Department of the Interior with respect to all types of leases or permits for oil, gas, oil shale, coal, sodium, sulphur, potassium and phosphate in such acquired lands, the approval of assignments or royalty interests therein, operating agreements and assignments of such agreements, and subleases, the acceptance of surrenders of parts or all of such leases and permits, and the approval of all bonds filed in connection with such leases and permits, and the execution of agreements for payment, because of drainage, of compensatory royalties.

(R. S. 161, 5 U. S. C. 22)

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

DECEMBER 15, 1947.

[F R. Doc. 47-11149; Filed, Dec. 19, 1947; 8:46 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For order affecting the list of delegations of authority contained in §§ 50.75 to 50.81, inclusive, see Part 4 of this title, supra, concerning the leasing or other disposal of minerals, other than oil, gas, oil shale, coal, phosphate, sodium, potassium and sulphur in acquired lands and concerning applications, etc., for leases and permits for such lands.

[Circular 1668]

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

LEASES

LEASING UNDER THE MINERAL LEASING ACT FOR ACQUIRED LANDS

Sec.
200.1 Purpose and authority.
200.2 Lands and deposits to which the act does not apply.
200.3 Consent of agency having jurisdiction of land.
200.4 Other regulations applicable.
200.5 Supplemental information required in lease or permit applications and place of application-filing.
200.6 Restrictions on holdings.
200.7 Leases of future or fractional interests.
200.8 Preference rights of oil and gas lease applicants.
200.9 Exchange leases.
200.10 Sale or conveyance of lands.

LEASING OF MINERAL DEPOSITS OTHER THAN OIL, GAS, OIL SHALE, COAL, PHOSPHATE, POTASSIUM, SODIUM AND SULPHUR IN CERTAIN ACQUIRED LANDS

200.31 Authority.
200.32 Scope.
200.33 Outstanding mineral permits and leases.
200.34 Filing of applications for mineral permits or leases.
200.35 Terms and conditions of mineral permits and leases.
200.36 Payments and reports.

AUTHORITY: §§ 200.1 to 200.10, inclusive, issued under section 10 Pub. Law 382, 80th Congress. §§ 200.31 to 200.36, inclusive, issued under R. S. 161, 59 Stat. 617; 5 U. S. C. and Sup. 22, 133y-7 (a) (1); sec. 402 Reorg. Plan No. 3 of 1946 (11 F. R. 7875, 7876).

LEASING UNDER THE MINERAL LEASING ACT FOR ACQUIRED LANDS

§ 200.1 *Purpose and authority.* The Mineral Leasing Act for Acquired Lands, enacted on August 7, 1947 (Public Law 382, 80th Congress) and hereinafter referred to in this section, and in §§ 200.2 through 200.10, as "the act," authorizes the Secretary of the Interior to issue permits and leases for deposits of oil, gas, oil shale, coal, phosphate, sodium and potassium in lands acquired by the United States, including such lands in Alaska, subject to the same conditions as contained in the mineral leasing laws of October 20, 1914 (38 Stat. 741, 48 U. S. C. sec. 432) February 25, 1920 (41 Stat. 437; 30 U. S. C. sec. 181) February 7, 1927 (44 Stat. 1057; 30 U. S. C. sec. 281) and in all laws which amend or supplement these mineral leasing laws. The act also authorizes the issuance of permits and leases for sulphur deposits in such acquired lands, wherever situated, subject to all other conditions contained in the act of April 17, 1926 (44 Stat. 301, 30 U. S. C. sec. 271)

The authority conferred upon the Secretary by the act, supersedes the authority conferred upon him by section 402 of Reorganization Plan No. 3, effective July 16, 1946 (11 F R. 7875) as to the above-enumerated minerals, except as to leases or permits outstanding on August 7, 1947.

§ 200.2 *Lands and deposits to which the act does not apply.* The act does not apply to lands:

(a) Acquired for the development of their mineral deposits,

(b) Acquired by foreclosure or otherwise for resale,

(c) Reported as surplus under the Surplus Property Act of October 3, 1944 (58 Stat. 765; 50 U. S. C. Sup 1611 et seq.)

(d) In incorporated cities, towns and villages,

(e) In national parks and monuments,

(f) Set apart for military or naval purposes, including lands within naval petroleum and oil shale reserves, or

(g) Which are tide lands, submerged coastal lands, within the continental shelf adjacent or littoral to any part of land within the jurisdiction of the United States.

§ 200.3 *Consent of agency having jurisdiction of the land.* Leases or permits may be issued only with the consent of the head or other appropriate official of the executive department, independent establishment or instrumentality having jurisdiction over the lands containing the deposits, or holding a mortgage or deed of trust secured by such lands, and subject to such conditions as that official may prescribe to insure adequate utilization of the lands for the primary purpose for which they were acquired or are being administered.

§ 200.4 *Other regulations applicable.* Except as herein otherwise specifically provided, the regulations prescribed under the mineral leasing laws and contained in Parts 70, 71 and 191 to 198, inclusive, of this chapter, shall govern the disposal and development of minerals under the act to the extent that they are not inconsistent with the provisions of the act. Any lease or permit issued under the act shall state that it is subject to the terms and provisions of the act.

CROSS REFERENCE: For regulations concerning oil and gas leasing see 43 CFR, Part 192, for coal—Part 193, for potash—Part 194, for sodium—Part 195, for phosphate—Part 196, for oil shale—Part 197, for sulphur—Part 198, for minerals in Alaska—Parts 70 and 71. Part 191 contains regulations of general applicability and should be consulted in connection with all types of mineral leasing. For the pertinent operating regulations, see 30 CFR, Parts 211, 221, 226 and 231.

§ 200.5 *Supplemental information required in lease or permit applications, and place for application-filing.* In addition to the information required by the appropriate regulations, referred to in § 200.4, each application for a lease or permit must contain (a) a separate statement of the applicant's interests, direct and indirect, in leases or permits for similar mineral deposits, or in applications therefor, on Federally-owned acquired lands in the same State, identifying by serial number the records where such interests may be found, and (b) a complete and accurate description of the lands for which a lease or permit is desired. If surveyed according to the governmental "rectangular system," legal subdivisions should be used in the description; otherwise by metes and bounds connected with a corner of the public surveys by courses and distances, by lot numbers with reference to the appropriate recorded plat or map, or by any other method of description best suited to identify the lands most clearly and accurately. The description should, if practicable, refer to (1) the administrative unit or project of which the land is a part, the purpose for which the land was acquired by the United States, and the name of the governmental body having jurisdiction over the lands (2) the name of the persons who conveyed the lands to the United States, (3) the date

of such conveyance, and the place, liber and page number of its official recordation.

All applications under the act should be filed with the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

§ 200.6 *Restrictions on holdings.* Acreage held by any lessee or permittee under this act shall be chargeable against and subject to the acreage limitations and restrictions set forth in the regulations cited in § 200.4. Where the United States owns only a fractional interest in the mineral resources of the lands involved, only that part of the total acreage involved in the lease which is proportionate to the ownership by the United States of the mineral resources therein shall be charged as acreage holdings. Agreements to issue a lease at some future time are not to be charged as acreage holdings until the lease for the future interest takes effect.

§ 200.7 *Leases of future or fractional interests.* The Secretary may issue leases for fractional or future interests in mineral deposits covered by the act, whenever, in his judgment the public interest will best be served thereby. In leasing lands in which the fractional or other interest owned by the United States is different for different tracts, separate leases will issue for the different interests, or, a single lease may issue with separate development, production and royalty requirements for the different interests. Applicants for leases for fractional interests should in addition to the information required by §§ 200.4 and 200.5, submit a statement showing whether that portion of the mineral interest not owned by the United States has been leased and if so, the name and address of such lessee. Applicants for leases for future interests are required to submit a detailed showing as to contemplated development plans, and the terms and ownership of any outstanding lease covering the lands embraced in the application.

§ 200.8 *Preference right of oil and gas lease applicants.* Qualified applicants for oil and gas leases embracing lands subject to the act, whose applications were pending on the effective date of the act, shall have a preference right over others for an oil and gas lease under the act, provided that on the date when the application was filed the lands were not within the known geologic structure of a producing oil or gas field.

§ 200.9 *Exchange leases.* (a) Oil and gas leases, outstanding on August 7, 1947, and which cover lands subject to the act, may be exchanged for new leases to be issued under the act. New leases shall be issued for a term of five years and so long thereafter as oil or gas is produced in paying quantities, and shall be dated to be effectve as of the first of the month after the filing of the application to exchange. The rental rates for the new lease, for lands not within the known geologic structure of a producing oil or gas field at the time of the filing of the application for exchange, shall be the same as those set forth in § 192.80 (a) of this chapter, and the royalty rate for such lands shall be 12½ percent. For all other lands, the rental rate for the new lease shall be $1.00 per acre per annum, and the royalty requirements shall be the same as those stipulated in the lease offered in exchange.

(b) Coal, phosphate, sodium, potassium, sulphur, or oil shale leases, outstanding on August 7, 1947, and which cover lands subject to the act, may be exchanged for new leases to be issued under the act subject, in each case, to such appropriate conditions as may be prescribed by the Secretary.

§ 200.10 *Sale or conveyance of lands.* Any sale or conveyance of lands subject to the act by the agency having jurisdiction thereof, shall be subject to any lease or permit theretofore issued under the act.

LEASING OF MINERAL DEPOSITS OTHER THAN OIL, GAS, OIL SHALE, COAL, PHOSPHATE, POTASSIUM, SODIUM, AND SULPHUR IN CERTAIN ACQUIRED LANDS

§ 200.31 *Authority.* Section 402, Reorganization Plan No. 3 of 1946 (11 F. R. 7875) transferred the functions of the Secretary of Agriculture and the Department of Agriculture relative to the leasing or other disposal of minerals in certain acquired lands to the Secretary of the Interior. These functions have been delegated to the Bureau of Land Management and the Geological Survey, to be exercised in accordance with general policies approved by the Secretary (§§ 4.261 (a) and 4.622 of this chapter). By virtue of Departmental Order 2291 of January 27, 1947 (§§ 4.261 (b) and 4.622 of this chapter), the Bureau of Land Management and the Geological Survey also have similar functions with respect to the leasing of minerals, where authorized by law, in acquired lands under the jurisdiction of the bureaus and other agencies of the Department of the Interior, except Indian lands. To the extent that the Plan and Departmental Order authorizes the leasing of oil, gas, oil shale, coal, phosphate, potassium, sodium and sulphur, they have been superseded by the authority conferred upon the Secretary by the Mineral Leasing Act for Acquired Lands (Pub. Law 382, 80th Cong.) with respect to the enumerated minerals.

CROSS REFERENCE: For regulations under the Mineral Leasing Act for Acquired Lands, see §§ 200.1 through 200.10.

§ 200.32 *Scope.* Except as to the minerals listed in the preceding section, §§ 200.31 through 200.36 apply to the leasing or other disposal of minerals;

(a) In acquired lands under the act of March 4, 1917 (39 Stat. 1134, 1150, 16 U. S. C. 520) Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205, 40 U. S. C. 401, 403 (a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118), section 55 of Title I of the act of August 24, 1935 (49 Stat. 750, 781) the act of July 22, 1937 (50 Stat. 522, 525, 530) as amended July 28, 1942 (56 Stat. 725, 7 U. S. C. 1011 (c) and 1018) and

(b) In acquired lands, except Indian lands, under the jurisdiction of the bureaus and other agencies of the Department of the Interior,

Leases or permits may be issued, or the minerals otherwise disposed of, only if the Director of the Bureau of Land Management is advised by the appropriate official of the Department, bureau or agency, having jurisdiction over the lands, that development of such minerals will not interfere with the primary purpose for which the land was acquired, and any lease, permit or other instrument, granting the right to mine and remove the minerals will contain such stipulations as may be specified by that official in order to protect such purposes. If, however, there is any disagreement between any of the bureaus or agencies of the Department of the Interior as to leasing any land, or as to the terms or conditions of any proposed lease, the matter shall be submitted to the Secretary by the bureaus or agencies concerned.

§ 200.33 *Outstanding mineral permits and leases.* Permits and leases heretofore issued by the Department of Agriculture will continue to be administered by the Department of the Interior in accordance with the regulations under which they were issued.

§ 200.34 *Filing of applications for mineral permits or leases.* Applications for permits or leases may be filed with the Bureau of Land Management, Department of the Interior, Washington 25, D. C., by any citizen of the United States, or corporation organized and existing under the laws of the United States or any State thereof.

§ 200.35 *Terms and conditions of mineral permits and leases.* Prospecting and mining permits shall not exceed 20 years' duration and shall provide for an annual rental payable in advance of not less than 25¢ per acre and a royalty of not less than 2% of the value of the minerals after having been brought to the surface of the ground. After production begins, the yearly advance rental shall be credited on the royalty payments for that year. The permit may also require the posting of a bond in an amount to be determined by the Director of the Bureau of Land Management. Prospecting may, in the discretion of the appropriate official of the Department, bureau or agency, having jurisdiction over the lands, be carried on without permit where no structures are to be erected and no substantial excavation or disturbances of the surface will be made. Mineral leases shall be subject to such terms and conditions as may be prescribed in each case by the Director of the Bureau of Land Management.

§ 200.36 *Payments and reports.* All payments of rentals and royalties on permits and leases shall be made to the Director of the Bureau of Land Management and all reports concerning operations shall be filed with the Director of the Geological Survey.

FRED W. JOHNSON,
Director.

Approved: December 15, 1947.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-11148; Filed, Dec. 19, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 135, Amdt. 6]

PART 95—CAR SERVICE

DEMURRAGE CHARGES AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of December A. D. 1947.

Upon further consideration of the provisions of Service Order No. 135 (8 F. R. 9569), as amended (8 F. R. 10941, 11 F. R. 8451, 11077; 12 F. R. 840, 4001) and good cause appearing therefor: *It is ordered,* That:

Service Order No. 135, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) of § 95.502, *Demurrage charges at Mexican border points.*

(e) This section, as amended, shall expire at 11:59 p. m., October 1, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, This amendment shall become effective at 12:01 a. m., December 31, 1947 that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P BARTEL, *Secretary.*

[F. R. Doc. 47-11186; Filed, Dec. 19, 1947; 8:51 a. m.]

[Rev. S. O. 434, Corr.]

PART 95—CAR SERVICE

FREE TIME ON BOX CARS AT PACIFIC COAST PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of December A. D. 1947.

It appearing, that there is a critical shortage of box cars and that free time published in tariffs for unloading such cars at certain ports aggravates the shortage thereof; in the opinion of the Commission an emergency exists requiring immediate action to alleviate the box car shortage at Pacific coast ports:

It is ordered, That no common carrier by railroad, subject to the Interstate Commerce Act, shall:

§ 95.434 *Free time reduced at Pacific coast ports.* (a) Allow, grant or permit more than a total of 7 days free time (computed in accordance with applicable tariff provisions) on box cars held in coastwise, intercoastal or foreign commerce at Pacific coast ports for unloading from car to vessel or when held short of such port transfer point. The provisions of this paragraph shall not be construed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission.

(b) *Definition of box car* The term "box car" as used in this section means freight equipment having a mechanical designation in the Official Railway Equipment Register prefixed by "X" or "V"

(c) *Effective date.* This section shall become effective at 7:00 a. m., December 31, 1947.

(d) *Expiration date.* This section shall expire at 7:00 a. m., July 31, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Tariff provisions suspended.* The operation of all tariff rules and regulations, insofar as they conflict with the provisions of this section, is hereby suspended.

(f) *Announcement of suspension.* Each railroad, or its agent, shall publish, file, and post a supplement to each of its tariffs affected thereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth in this section.

It is further ordered, That this order shall vacate and supersede Service Order 434 (11 F. R. 893) as amended, on the effective date hereof; a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as Agent of the Railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-11188; Filed, Dec. 19, 1947; 8:51 a. m.]

[S. O. 624, Amdt. 9]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of December A. D. 1947.

Upon further consideration of Service Order No. 624 (11 F. R. 12183), as amended (11 F R. 13792, 14272; 12 F R. 48, 775, 1420, 4185, 4516, 6088), and good cause appearing thereof, It is ordered, that:

Section 95.624 *Movement of grain to terminal elevators by permit,* of Service Order No. 624, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof.

(e) *Expiration date.* This section shall expire at 7:00 a. m., March 31, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., December 31, 1947; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 47-11187; Filed, Dec. 19, 1947; 8:51 a. m.]

[Rev. S. O. 689, Amdt. 2]

PART 97—ROUTING OF TRAFFIC

RETURNING EMPTY REFRIGERATOR CARS THROUGH CHICAGO, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of December A. D. 1947.

Upon consideration of Revised Service Order No. 689 (12 F. R. 1753) as amended (12 F. R. 4003, and good cause appearing therefor: It is ordered, that:

Section 97.689 *Returning empty refrigerator cars through Chicago, Ill.,* of Revised Service Order No. 689, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., April 5, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12.01 a. m., December 31, 1947; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by deposit-

ing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended. 40 Stat. 101, Secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17) 15 (4))

By the Commission, Division 3.

[SEAL] W P. BARTEL, *Secretary.*

[F. R. Doc. 47-11185; Filed, Dec. 19, 1947; 8:51 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF COTTON

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra.*

[Gen. Permit ODT 18A, Rev. 3A]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF COTTON

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, General Permit ODT 18A, Revised-3 shall be superseded, and it is hereby ordered, that:

§ 520.495 *Shipments of cotton.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin any carload freight consisting of cotton: *Provided,* That on carload freight consisting of flat cotton originating at any point in the States of Arizona or California and forwarded to any compress point in Arizona or California for compressing in transit and subsequent reshipment at a carload rate or rates subject to a minimum weight of 50,000 pounds, not more than two box cars shall be used in the transportation of such flat cotton to the compress point.

This General Permit ODT 18A, Revised-3A, shall become effective December 22, 1947.

General Permit ODT 18A, Revised-3 (11 F. R. 8232) is hereby revoked as of the effective date of this General Permit ODT 18A, Revised-3A.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 17th day of December 1947.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 47-11233; Filed, Dec. 19, 1947; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 319]

IMPORT OF COTTONSEED FROM SPECIFIED AREA IN TAMAULIPAS, MEXICO

NOTICE OF PROPOSED RULE MAKING TO AMEND PROCEDURE FOR APPLYING FOR PERMITS

Notice is hereby given under section 4 (a) of the Administrative Procedure Act (60 Stat. 237) that the United States Department of Agriculture is considering the amendment of § 319.8–1 of the regulations supplemental to the Foreign Pink Bollworm of Cotton Quarantine (Notice of Quarantine No. 8, 7 CFR 1944, Supp. § 319.8) by striking therefrom that portion of § 319.8–1 enclosed in brackets:

§ 319.8–1 *Applications for and issuance of permits.* Persons desiring to import cottonseed and cottonseed hulls shall submit to the Bureau of Entomology and Plant Quarantine an application stating the name and address of the importer, the approximate quantity of cottonseed or cottonseed hulls which it is desired to import, the United States port of entry, the approximate date of arrival, the place of origin in the Imperial Valley, Mexico, or in the area in the State of Tamaulipas, Mexico, specified in § 319.8 [, and in the case of cottonseed from the specified area in Tamaulipas, the mill approved by the Chief of the Bureau of Entomology and Plant Quarantine, at which the seed will be crushed]. Upon receipt of such application and after approval by the Chief of the Bureau of Entomology and Plant Quarantine, a permit will be issued authorizing the importation from the Imperial Valley, Mexico, or the specified area in the State of Tamaulipas subject to the restrictions and requirements set forth in §§ 319.8–2 to 319.8–5.

In practice the requirement that applications for permits to import cottonseed from the specified area in the State of Tamaulipas, Mexico, shall designate the mill at which the seed will be crushed imposes an undue hardship on the importer since he has no competitive market for his seed, but is obliged to sell it to the mill specified in the application. It is therefore impracticable to require this information and it is proposed to rescind this provision.

Cottonseed imported, in accordance with § 319.8, from the specified area of Tamaulipas, into the lower Rio Grande Valley, to which its entry is limited by § 319.8–5 (a) (4) assumes the status of domestic seed and becomes subject to the provisions of the Domestic Pink Bollworm Quarantine (Notice of Quarantine No. 52, 12 F. R. 5767) Such seed cannot leave the regulated area in the lower Rio Grande Valley until it has been either crushed or resterilized. As a result there is no danger of the imported seed spreading the pink bollworm to uninfested sections of this country.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington 25, D. C., within 15 days of the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 5, act of Aug. 20, 1912, 37 Stat. 316; 7 U. S. C. 159)

Done at Washington, D. C., this 16th day of December 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 47-11179; Filed, Dec. 19, 1947; 8:49 a. m.]

Production and Marketing Administration

[7 CFR, Ch. IX]

[Docket No. AO-183]

HANDLING OF PEACHES IN CAROLINAS PRODUCTION AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements (7 C. F. R. and Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) notice is hereby given of public hearings to be held in the ballroom of the Franklin Hotel, Spartanburg, South Carolina, beginning at 9:30 a. m., e. s. t., January 5, 1948; and in the Superior Courtroom of the Richmond County Courthouse, Rockingham, North Carolina, beginning at 9:30 a. m., e. s. t., January 8, 1948, with respect to a proposed marketing agreement and marketing order regulating the handling of peaches grown in the North Carolina-South Carolina production area and with respect to whatever changes, or sub-

stituted provisions, within the scope of this notice, may be proposed thereto. The proposed marketing agreement and marketing order have not been considered or approved by the Secretary of Agriculture.

These public hearings are for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the provisions of the proposed marketing agreement and marketing order hereinafter set forth, and to the provisions of whatever changes, or substituted provisions, within the scope of this notice, may be proposed thereto.

Committees of growers representing the important producing districts of North Carolina and South Carolina, respectively, have proposed the following marketing agreement and order:

SECTION 1. *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other officer or member of the United States Department of Agriculture who is or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended. (7 U. S. C. 601 et seq.)

(c) "Person" means an individual, marketing agent, partnership, corporation, marketing agency, association, legal representative, or any organized group or business unit of individuals.

(d) "Production area" means the States of South Carolina and North Carolina.

(e) "Peaches" means fresh peaches and includes all varities of peaches grown within the production area and shipped for consumption in fresh form.

(f) "Shipper" is synonymous with "handler" and means any person (except a common or contract carrier of peaches owned by another person) who, as owner, agent, or otherwise, ships or handles peaches in fresh form, or causes peaches to be shipped or handled in fresh form, by rail, truck, boat, or any means whatsoever.

(g) "Ship" is synonymous with "handle" and means to sell, transport, or in any other way to place peaches in the current of interstate commerce from the production area to points outside the production area, or so as to burden, obstruct, or affect such commerce.

(h) "Grower" means any person engaged in the production of peaches for market and includes all persons having share interest in such production. As used in section 6 (c) "grower" also means the purchaser of a crop of peaches on the trees.

(i) "Fiscal period" means the period beginning on March 1 of each year and ending on the last day of February of the following year.

(j) "Grade" means any one of the officially established grades of peaches as defined and set forth in the U. S. Standards for Peaches, issued by the United States Department of Agriculture April 22, 1933, as reissued (12 F R. 3798) or modifications thereof, or variations based thereon.

(k) "Size" means the dimension of the diameter of peaches as determined and set forth in the U. S. Standards for Peaches (paragraph (j) supra)

(l) "Maturity" means that stage of ripeness in peaches defined and set forth in the requirements for maturity specified in U. S. Standards for Peaches (paragraph (j) supra)

(m) "District" means, describes, and refers to one of the geographical divisions of the production area hereby established as follows:

(1) "Ridge District" which shall include the Counties of Edgefield, Saluda, Aiken, Lexington, Barnwell, Orangeburg, Calhoun, Allendale, Bamberg, Hampton, Colleton, Dorchester, Berkeley, Jasper, Beaufort, and Charleston in South Carolina.

(2) "Sand Hills District" which shall include the Counties of Richland, Kershaw, Chesterfield, Marlboro, Sumter, Lee, Darlington, Clarendon, Florence, Dillon, Williamsburg, Marion, Georgetown, and Horry in South Carolina and those counties in North Carolina east of a line drawn along the western borders of Rockingham, Guilford, Randolph, Montgomery, and Anson Counties.

(3) "Piedmont District" which shall include the Counties of Oconee, Pickens, Anderson, Greenville, Abbeville, Laurens, Spartanburg, McCormick, Greenwood, Newberry, Union, Cherokee, Fairfield, Chester, York, and Lancaster in South Carolina and those counties in North Carolina west of a line drawn along the western borders of Rockingham, Guilford, Randolph, Montgomery, and Anson Counties.

(n) "Subdistrict" means, describes, and refers to one of the geographical subdivisions of the Sand Hills District and the Piedmont District hereby established as follows:

(1) "South Carolina-Piedmont Subdistrict" which shall include that portion of the Piedmont District which is in the State of South Carolina.

(2) "North Carolina-Piedmont Subdistrict" which shall include that portion of the Piedmont District which is in the State of North Carolina.

(3) "North Carolina-Sand Hills Subdistrict" which shall include that portion of the Sand Hills District which is in the State of North Carolina.

(4) "South Carolina-Sand Hills Subdistrict" which shall include that portion of the Sand Hills District which is in the State of South Carolina.

SEC. 2. *Committees*—(a) *Establishment of Industry Committee.* An Industry Committee consisting of fourteen (14) members is hereby established to administer the terms and provisions hereof. The members of said Industry Committee, and their respective alternates, shall be selected in accordance with the provisions hereof.

(b) *Representation on Industry Committee.* The members and alternate members of the Industry Committee shall be selected from among the respective growers on the following basis: Four (4) members and their respective alternates in the South Carolina-Piedmont Subdistrict; two (2) members and their respective alternates in the North Carolina-Piedmont Suddistrict; four (4) members and their respective alternates in the North Carolina-Sand Hills Subdistrict; two (2) members and their respective alternates in the South Carolina-Sand Hills subdistrict; and two (2) members and their respective alternates in the Ridge District.

(c) *Selection of initial members of Industry Committee.* The initial members of the Industry Committee, and their respective alternates, shall be selected by the Secretary as soon as reasonably possible after the effective date hereof. Each of the initial members and his respective alternate shall serve for a term ending on February 28, 1949, and in the event that the successor of the respective member or alternate has not been selected, or has not qualified by February 28, 1949, such member or alternate shall serve until his successor has been selected and has qualified. In selecting such initial members and their alternates, the Secretary shall make his selection upon the basis of the representation provided for in paragraph (b) of this section.

(d) *Succeeding members of the Industry Committee.* (1) For the purpose of selecting succeeding members and alternate members of the Industry Committee, the production area covered by this agreement is hereby divided into five election precincts constituted by the Ridge District and the four subdistricts herein defined.

(2) Prior to January 21 of each year after 1948, the Industry Committee shall make arrangements for a meeting of growers in each election precinct for the purpose of electing nominees from among whom the Secretary may select members and alternate members of the Industry Committee. The said committee shall give adequate notice of each such meeting to all growers eligible to participate at the respective meetings.

(3) At each election meeting held to nominate members and alternate members of the Industry Committee, the growers eligible to participate therein shall select a chairman and a secretary therefor. The chairman of each meeting shall announce at such meeting the name of each person for whom a vote has been cast, whether as member or alternate member, and the number of votes cast for each such person, and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary. At each such meeting, at least one nominee shall be elected for each member and at least one nominee shall be elected for each alternate member of the Industry Committee to be selected to represent the respective election precinct in accordance with section 2 (b) hereof.

(4) Only growers in attendance at a meeting for the election of nominees shall participate in the nomination of members and their alternates. In the event a grower is engaged in producing peaches in more than one election precinct, such grower shall be entitled to one vote in each election precinct in

which he produces peaches. Each grower shall be entitled to cast only one vote on behalf of himself, his agents, affiliates, subsidiaries, and representatives for each position on the committee for which such voter is eligible to participate in designating nominees at the respective meeting.

(5) The Industry Committee may prescribe, with the approval of the Secretary, additional rules and regulations, not inconsistent with the provisions hereof, relative to the election of nominees for members and alternate members of the said committee, including provision for such election by mail if, where, and whenever deemed advisable.

(e) *Selection of members of Industry Committee.* The Secretary may select the members of the Industry Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by growers as aforesaid or otherwise.

(f) *Vacancies.* In the event nominations for membership or alternate membership on the Industry Committee are not submitted to the Secretary, pursuant to the provisions of this section, by February 15 of the respective fiscal period, the Secretary may select such members or their respective alternates without waiting for nominees to be so submitted. To fill any vacancy occasioned by the failure of any person, selected as a member of the Industry Committee or as an alternate member thereof, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary.

(g) *Qualifications.* Each person selected as a member of the Industry Committee or as an alternate member thereof shall promptly qualify by filing with the Secretary, within fifteen (15) days of notification thereof, a written acceptance of appointment.

(h) *Alternate member of Industry Committee.* There shall be an alternate member for each member of the Industry Committee. Each such alternate member shall have the same qualifications and shall be selected in the same manner as the respective member for whom such individual is to serve as alternate. The alternate for a member of the committee shall, in the event of the respective member's absence, act in the place of said member; and, in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected and has qualified, act in the place of said member.

(i) *Eligibility for membership on Industry Committee.* A person nominated or selected to serve as a member or as an alternate member of the Industry Committee, for a term subsequent to the term of the initial members and alternate members, shall be an individual grower of peaches in the respective election precinct from which he was selected, or an officer, employee, or agent of a grower in such precinct.

(j) *Term of office.* The members of the Industry Committee and their respective alternates shall serve for the fiscal period for which they have been selected and have qualified, and until their respective successors shall have been selected and have qualified.

(k) *Compensation.* (1) Members of the Industry Committee, and alternate members, when acting for members or when designated by the Committee to attend, may receive compensation in an amount not in excess of five dollars ($5.00) per diem for attendance at each meeting of the Committee, or while attending to such Committee business as may be authorized by the Committee. In addition to said per diem, the members of the Committee, and alternate members, when acting for members or when designated by the Committee to attend, may be reimbursed for necessary expenses actually incurred in attending each such meeting.

(2) Each member of the Industry Committee and each alternate member, when acting for a member, may receive compensation in an amount not in excess of five dollars ($5.00) per diem for attendance, if designated by the Committee to attend, at each consultation or conference with any other committee, or representatives thereof, established under any marketing agreement and order program, pursuant to the aforesaid act with respect to the handling of peaches grown in any State or region outside of the area. In addition to said compensation, the members of the Committee, and alternate members when acting for members, may be reimbursed for necessary expenses actually incurred in attending each such conference or consultation.

(l) *Powers.* The Industry Committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make, in accordance with the provisions herein contained, administrative rules and regulations;

(3) To receive, investigate, and report to the Secretary complaints of violation hereof; and

(4) To recommend to the Secretary amendments hereto.

(m) *Duties.* The Industry Committee shall have the following duties:

(1) To act as intermediary between the Secretary and any grower or handler;

(2) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at all times be subject to examination by the Secretary;

(3) To furnish the Secretary such available information as he may request;

(4) To employ such employees as may be necessary, including a manager who shall, among other duties, act as the secretary of the Industry Committee; to determine the salary and duties of such manager and other employees; to authorize, if the committee deems such to be necessary, the manager for and on behalf of the committee to employ temporarily, subject to such limitations and qualifications as may be specified by the committee, such other persons as may be deemed necessary and to determine the respective salaries and define the respective duties of such employees;

(5) To cause its books of account to be audited by one or more competent accountants at least once each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary a copy of each such audit report;

(6) To prepare from time to time statements of the financial operations of the Industry Committee and to make such statements, together with the minutes of the meetings of said committee, available at the office of the committee for inspection by any grower or handler;

(7) To perform such duties in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935) as amended, as may from time to time be assigned to the committee by the Secretary;

(8) To consult with any other committee, established under any marketing agreement or order program pursuant to the act, with respect to the handling of peaches grown in any State or region outside of the area;

(9) To defend all legal proceedings against any Industry Committee member or members (individually or as members) or any officer or employee of such committee, arising out of any act or omission made in good faith pursuant to the provisions hereof;

(10) To select a chairman of the Industry Committee and such other officers as it may deem advisable;

(11) To redefine the districts or subdistricts, or change the representation on the Industry Committee from any district or subdistrict, all of which shall be subject to the approval of the Secretary;

(12) Each season, prior to making any recommendation to the Secretary for a regulation of shipments pursuant to sections 5 or 6, to determine the marketing policy to be followed during the ensuing season and to submit a report of such policy to the Secretary as required by section 4 (a)

(13) To establish such other committees or subcommittees to aid the Industry Committee in the performance of its duties hereunder as the said committee may deem advisable;

(14) To submit to the Secretary, prior to May 1 of each fiscal period, a budget of its expenses and a proposed rate of assessment for the then current fiscal period;

(15) To give to the Distributors' Advisory Committee and to the Secretary the same notice of meetings of the Industry Committee as is given to the members thereof;

(16) To supervise the regulation of shipments pursuant to section 5 hereof;

(17) To authorize, whenever the committee deems it advisable, as employee or employees of the committee to perform any ministerial duties of the committee, subject to the limitations set forth herein: *Provided,* That such authorization by the committee shall specify the employee or employees and state definitely the limitation of the authority thus vested in the respective employee or employees. *Provided further,* That the committee shall retain concurrent authority in connection with any

such duties and shall not authorize any employee or employees to perform: (i) any duties of the committee relating to the recommendations to the Secretary pursuant to section 6 hereof; or (ii) the duties or authority of the committee relating to the establishment of rules and regulations pursuant to the provisions and subject to the limitations set forth herein; and

(18) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to peaches, and to engage in such research and service activities in connection with the handling of peaches as may be approved, from time to time, by the Secretary.

(n) *Procedure.* (1) The Industry Committee may, upon the selection and qualification of a majority of its members, organize and commence to function. A quorum shall consist of nine (9) members or alternate members then serving in the place and stead of any members: *Provided,* That at least two (2) shall be from the South Carolina-Piedmont Subdistrict, at least two (2) shall be from the North Carolina-Sand Hills Subdistrict, and at least one (1) each shall be from each of the other two subdistricts and from the Ridge District. For any regulatory decision of the Industry Committee to be valid, not less than seven (7) concurring votes shall be necessary: *Provided,* That such votes shall be distributed among the district and subdistrict representatives on the committee in the same minimum number as required herein for a quorum. The requirements with respect to a quorum of the Industry Committee and the number of concurring votes to make a decision of the committee valid may be changed by the committee with the approval of the Secretary.

(2) The Industry Committee may provide for the members thereof, including the alternates when acting as members, to vote by mail or in any other manner; and any such vote which is not cast in person at a meeting shall be confirmed promptly in writing.

(3) The committee may adopt such rules, not inconsistent with the provisions hereof, relative to the method of conducting its business as it may deem advisable.

(o) *Funds.* All funds received by the Industry Committee pursuant to the provisions hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner: (1) The Secretary may, at any time, require the committee and its members, including alternate members, to account for all receipts and disbursements; and (2) upon the death, resignation, removal, or expiration of the term of office, of any member or alternate member of the Industry Committee, all books, records, funds, and other property in his possession or under his control, as such member or alternate member, which relate to the business of the said committee shall be delivered to his successor in office, or to the committee, or to a designee of the Secretary, and such assignments and other instruments shall be executed as may be necessary to vest in such successor, committee, or designee full title to such books, records, funds, and property.

(p) *Distributors' Advisory Committee.* (1) A Distributors' Advisory Committee consisting of nine (9) members, designated from among the handlers in accordance with the provisions hereof, is hereby established. The purpose of such committee is to act as an advisory body to the Industry Committee. The powers of the committee shall consist of recommending advisable courses of action or policy to the Industry Committee. The duties of the Distributors' Advisory Committee shall consist of submitting recommendations to the Industry Committee with respect to whatever regulations or quality standards may be deemed advisable, either initially, or when such regulations or standards have been proposed for consideration by the Industry Committee or by the Secretary. Advisory Committeemen shall hold office for a one-year term corresponding to the fiscal period.

(2) Three (3) members of the Distributors' Advisory Committee shall be the three (3) handlers who, during the marketing season immediately preceding their term of office, separately shipped more peaches from the production area than were shipped separately by any other handler during the same period. Three (3) of the remaining six (6) members of the said committee shall be composed of the three (3) handlers (exclusive of the three (3) handlers mentioned above) who separately shipped the largest volume of peaches from South Carolina, during the marketing season immediately preceding their term of office. The three (3) remaining handlers on the committee shall be the three (3) handlers (exclusive of the three (3) handlers first mentioned in this paragraph) who separately shipped the largest volume of peaches from North Carolina during the marketing season immediately preceding their term of office. In the event a handler is eligible for designation as one of the six (6) members of the committee last above referred to on the basis of the volume of peaches shipped from either State, such handler shall be designated from the State from which he shipped the larger volume.

(3) Any handler, except one who is a member or alternate member of the Industry Committee, shall be eligible for membership on the Distributors' Advisory Committee. In the event a corporation, marketing agency, or cooperative association is eligible to serve as a member, such corporation, marketing agency or cooperative shall file with the Secretary, at the time it qualifies, a designation of the individual who will represent it on the committee. Handler-members, or their representatives, shall individually designate their own alternates and shall file such designations with the Industry Committee at the first meeting of the Distributors' Advisory Committee in each fiscal year.

(4) Initial members of the Distributors' Advisory Committee shall be designated by the Secretary as soon as reasonably possible after the effective date hereof. Within fifteen (15) days of such date, each handler who desires to serve on the committee shall file an affidavit with the Secretary stating the volume of peaches which he shipped from the respective States of the production area to points outside the production area in the season of 1947. A corporation, marketing agent, or cooperative association shall file with such affidavit a designation of the individual who will represent it on the committee. The Secretary shall then determine the eligibility of the respective affiants, in conformity with subparagraph (2) hereof, and designate the committee members accordingly.

(5) Succeeding members of the Distributors' Advisory Committee shall be designated as follows: (i) the handlers eligible for membership shall be determined by the Industry Committee from its records, in conformity with subparagraph (2) hereof, and shall be so certified to the Secretary by December 31 of each year; (ii) notice of eligibility shall be sent by the Industry Committee to the respective handlers by the same date; (iii) eligible handlers who wish to serve as members shall qualify by filing an acceptance with the Secretary by January 15 of the following year, except that eligible incumbent members of the committee shall qualify automatically for the succeeding term unless notice to the contrary is filed with the Secretary by the said date; and (iv) the Secretary shall designate the committee members. In the event any eligible handler fails to qualify therefor by notifying the Secretary of his acceptance as provided herein, or in the event of the death, resignation, or disqualification of any member of such committee, the Secretary may designate a successor for the entire, or the unexpired, term of such member, as the case may be.

(6) The members of the Distributors' Advisory Committee, and the alternate members, when acting for members, may receive compensation out of the funds provided for in paragraph (o) of this section in an amount not in excess of five dollars ($5.00) per day for attendance at each meeting of the committee, or while attending to such committee business as may be authorized by the committee. Each member of the Distributors' Advisory Committee and each alternate member, when acting for a member, may receive compensation in an amount not in excess of five dollars ($5.00) per day for attendance, if designated by the Industry Committee to attend, at each consultation or conference with any other committee, or representatives thereof, established under any marketing agreement and order program, pursuant to the aforesaid act, with respect to the handling of peaches grown in any State or region outside of the area. In addition to said per diem, the members of the committee, and the alternate members, when acting for members, may be reimbursed for necessary expenses actually incurred in attending each such meeting, conference, or consultation.

SEC. 3. *Expenses and assessments*—(a) *Expenses.* The Industry Committee is authorized to incur such expenses as the Secretary finds may be necessary to perform its functions hereunder during each fiscal period and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions of this order. The funds to cover such expenses shall be acquired by the

levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler shall pay to the Industry Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for its maintenance and functioning during each fiscal period, and for such other purposes as the Secretary may determine to be appropriate, pursuant to the provisions of this order: *Provided,* That no assessment shall be paid for (i) any shipment of peaches for manufacturing, processing, canning, or conversion into by-products on a commercial scale, or (ii) any shipment of peaches for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency. Such handler's pro rata share of such expenses shall be equal to the ratio between the total assessable quantity of peaches shipped by such handler during the applicable fiscal period, and the total assessable quantity of peaches shipped by all handlers during the same fiscal period. The Secretary shall specify the rate of assessment to be paid by such handlers.

(2) The Secretary may, at any time during or after a fiscal period, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the Industry Committee. Any such increase in the rate of assessment shall be applicable to all assessable peaches shipped during the specified fiscal period. In order to provide funds to enable the Industry Committee to perform its functions hereunder, handlers may make advance payment of assessments.

(c) *Accounting.* If, at the end of any fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund, unless such handler demands payment thereof, in which case such sum shall be paid to the respective handler. The Industry Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of expenses.

SEC. 4. *Marketing policy*—(a) *Report.* Before making any recommendation pursuant to section 5 or 6 for a particular marketing season, the Industry Committee shall submit to the Secretary a report setting forth the advisable marketing policy, for such season, for peaches. Such marketing policy report shall set forth the estimated regulation or regulations which may be recommended by the committee during such season, the justification therefor, and the estimates and other factors enumerated in section 4 (b) In the event the committee deems it advisable to alter such marketing policy, subsequent to submitting a report thereon to the Secretary, the committee shall submit to the Secretary a report setting forth such revised marketing policy.

(b) *Factors to be considered.* In determining such marketing policy, or such revised marketing policy, the Industry Committee, after due consideration, shall include in the report its determinations and estimates of the following factors and conditions: (1) The estimated total quantity of each variety of peaches available for shipment in each district during the season, including the estimated percentage of such quantity of each variety in each district which will be represented by each of the various grades and sizes; (2) the estimated date that peaches of each variety in each district will be mature and ready for shipment; (3) the estimated commercial crop of peaches produced in competing States and the expected time of shipments of peaches from such States; (4) the anticipated competition to peaches from other fruits and melons; (5) the estimated market prices and marketing conditions that are expected to prevail for peaches grown in the production area; (6) the estimated harvesting and marketing costs and charges that are expected to apply to peaches grown in the production area; (7) the level and trend in commodity prices and consumer purchasing power; and (8) other factors which the Industry Committee deems pertinent to the regulation of the marketing of peaches.

(c) *Notice.* The Industry Committee shall promptly notify handlers and growers regarding any marketing policy report in such manner as may be reasonably expected to bring the proposed regulations and other pertinent information in such report to the attention of all handlers and growers.

SEC. 5. *Minimum standards of maturity and quality*—(a) *Maturity standard.* There is hereby established a minimum standard of maturity consisting of the requirements for maturity as defined herein. No handler shall ship peaches of any variety which do not meet the requirements for maturity.

(b) *Quality standards*—(1) *Recommendation.* Whenever the Industry Committee deems it advisable to establish and maintain minimum standards of quality governing the shipment of any or all varieties of peaches pursuant to this section, it shall be recommended to the Secretary, in terms of grade and size, or in terms of other elements or determinants of quality, or in terms of both, the particular minimum standard below which shipments are to be prohibited. At the time of submitting any such recommendation, the Industry Committee shall also submit to the Secretary the supporting data and information upon which it acted in making such recommendation. The said committee shall submit in support of its recommendations such other data and information as may be requested by the Secretary, and shall promptly give adequate notice to all handlers and growers of any such recommendation.

(2) *Establishment.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to prohibit the shipment of peaches of any or of all varieties below a certain specified minimum grade, or smaller than a certain specified minimum size, or both, would be in the public interest and would tend to effectuate the declared policy of the act, he shall so prohibit the shipment of such peaches. The Secretary shall immediately notify the Industry Committee of the issuance of such regulation, and the said committee shall promptly give adequate notice thereof to all handlers and growers.

(c) *Modification or suspension.* The Industry Committee may recommend to the Secretary the modification or suspension of the minimum standards established or provided for herein. If the Secretary finds, upon the basis of such recommendation and information, or upon the basis of other available information, that to modify or to suspend such minimum standards will tend to effectuate the declared policy of the act, he shall so modify or suspend such standards. Such modification or suspension may (1) be for a specified period of time, subject to earlier termination or extension where the Secretary, in his own discretion, finds such action will tend to effectuate the declared policy of the act; or (2) be for an indefinite period of time, subject to termination by the Secretary, in his own discretion, when he finds such section will tend to effectuate the declared policy of the act: *Provided,* That modifications or suspensions, or extensions or terminations thereof, promulgated pursuant to this section, may apply to any or all varieties of peaches and may apply and establish, or terminate, different standards of maturity and quality to one or more varieties of peaches than are established, or terminated, for the remaining varieties of peaches. The Secretary shall immediately notify the Industry Committee, and the committee shall promptly notify each handler of any order issued by the Secretary modifying the minimum standards established or provided for herein, and of any subsequent order of the Secretary terminating, or extending, such modification or suspension.

SEC. 6. *Grade and size regulations*—(a) *Recommendation.* Whenever the Industry Committee deems it advisable to limit the shipment of any or all varieties of peaches pursuant to this section, it shall recommend to the Secretary the particular grades or sizes, or both, deemed advisable by it to be shipped during a specified period. At the time of submitting any such recommendation, the committee shall submit to the Secretary the supporting data and information upon which it acted in making such recommendation, and shall give consideration, among other things, to the factors enumerated in section 4 (b), required to be submitted in connection with the marketing policy report. The committee shall submit in support of its recommendations such other data and information as may be requested by the Secretary, and shall promptly give adequate notice to all handlers and growers of any such recommendation.

(b) *Establishment of regulations.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to limit the shipment of any or all varie-

ties of peaches to particular grades or sizes, or both, would tend to effectuate the declared policy of the act, he shall so limit, during the specified period, the shipment of such variety or varieties of peaches. The Secretary shall immediately notify the Industry Committee of the issuance of each such regulation, and the said committee shall promptly give adequate notice thereof to all handlers and growers.

(c) *Exemption certificates.* (1) Before the institution of any limitation of shipment or shipments pursuant to this section, the Industry Committee shall adopt procedural rules pursuant to which exemption certificates will be issued to growers, and such procedural rules shall become effective upon approval by the Secretary. The said committee shall give adequate notice of such rules to all handlers and growers. In the event the Secretary issues a regulation pursuant to this section, the Industry Committee shall determine the percentage which the grades or sizes, or both, of each variety of peaches permitted to be shipped from each district, by such regulation issued by the Secretary, is of the total quantity of each variety of peaches which could be shipped from the respective district in the absence of such regulation. An exemption certificate shall thereafter be issued to any grower who furnishes proof, satisfactory to the Industry Committee, that he will be prevented, because of the regulation established, from shipping a percentage of a particular variety of his peaches equal to the percentage of all peaches of that particular variety permitted to be shipped from the respective district, as determined by the said committee. Such exemption certificate shall permit the respective grower to whom the certificate is issued to ship such quantity of the particular variety of peaches of the regulated grades or sizes, or both, of such variety as will enable such grower to ship or to have shipped as large a percentage of such variety of the respective grower's peaches as the average percentage of that particular variety of peaches that is permitted to be shipped by all growers in the respective district. No exemption certificate shall be granted to include peaches which do not meet the requirements of the maturity standard provided for in section 5. The Industry Committee shall maintain a record of all applications submitted for exemption certificates pursuant to the provisions of this section; and the said committee shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of peaches thus to be exempted, and a record of all shipments of exempted peaches; and such additional information shall be recorded in the records of the committee as the Secretary may specify. The Industry Committee shall from time to time submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of peaches thus exempted, and such additional information as may be requested by the Secretary.

(2) In the event the Industry Committee shall determine and report to the Secretary that by reason of general crop failure or any other unusual conditions within a particular district or districts it is not feasible and would not be equitable to issue exemption certificates to growers within that district or those districts on the basis set forth in subparagraph (1) of this paragraph, the said committee may by resolution duly adopted, specify that an exemption certificate shall be issued to any grower who submits proof satisfactory to said committee to the effect that the respective grower will be prevented, because of the regulation established, from shipping as large a percentage of his peaches of such variety as the average of all growers of such variety of peaches in the number or group of districts specified or enumerated in the resolution thus adopted by the committee.

(3) The Industry Committee may authorize an employee to receive applications for exemption certificates, make the necessary investigation with regard to whether an exemption certificate should be issued and, if so, the quantity of peaches which should be thus exempted, and issue for and on behalf of the committee an exemption certificate: *Provided,* That the said committee shall not authorize an employee to (i) determine the grades or sizes, or both, which could be shipped in the absence of any regulation; (ii) determine for any district or districts, the percentage that the quantity of a particular variety or varieties of peaches permitted to be shipped pursuant to grade or size regulation, or both, is of the quantity which could be shipped in the absence of grade or size regulation, or both; or (iii) designate a group or number of districts to be used as the area which, because of general crop failure or any other extraordinary conditions within a particular district or districts, shall be used in calculating or determining the average percentage of a variety of peaches that could be shipped by all growers, as aforesaid.

(4) If any grower is dissatisfied with the determination of an employee or employees who have exercised jurisdiction with regard to the application submitted by the respective grower, such grower may appeal to the Industry Committee: *Provided,* That such appeal must be taken promptly after the decision by the respective employee. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

SEC. 7. *Inspection and certification.* During any period in which the shipment of peaches is regulated pursuant to the provisions hereof, each handler shall, prior to making each shipment of peaches, cause each such shipment to be inspected by a Federal-State inspector: *Provided,* That this requirement shall not be applicable to any shipment of peaches which has been so inspected within twenty-four (24) hours prior to shipment by such handler, except that the Industry Committee, with the approval of the Secretary, may establish a period other than the said twenty-four hour period and may prescribe other rules and regulations governing the conditions under which peaches will not be required to be re-inspected. Each handler shall, promptly after making each shipment of peaches, submit to the Industry Committee a copy of the certificate or memorandum issued by the Federal-State inspection service with regard to the respective shipment of peaches, and such certificate or memorandum shall state the maturity of the peaches in such shipment. In the event of grade regulation, such certificate or memorandum shall also state the grade of peaches in such shipment; and in the event of size regulation, such certificate or memorandum shall also state the size of peaches in such shipment. The aforesaid certificate or memorandum shall also state whether the peaches in the respective shipment are in conformity with the minimum standard of maturity established hereunder and meet the requirements of such minimum standards of quality, or of such grade and size regulations, respectively, as may be established pursuant hereto.

SEC. 8. Compliance. Except as provided herein, no handler shall ship peaches, the shipment of which has been prohibited in accordance herewith; and no handler shall ship peaches except in conformity to the provisions hereof.

SEC. 9. *Shipments which are exempt.* Peaches shipped for consumption by a charitable institution, or for distribution for relief purposes, or for distribution by a relief agency, or for manufacturing, processing, canning, or conversion into by-products on a commercial scale, shall be exempt from the provisions hereof. The Industry Committee may, with the approval of the Secretary, exempt shipments up to and including 1,000 pounds net weight of peaches from the provisions hereof. The Industry Committee may prescribe adequate safeguards to prevent peaches, exempted by the provisions of this section, from entering the commercial channels of trade contrary to, or in violation of, the provisions hereof.

SEC. 10. *Reports.* For the purpose of enabling the Industry Committee to perform its functions and duties pursuant to the provisions hereof, each handler shall furnish to the committee such information, in such form and at such times and substantiated in such manner as shall be prescribed by the committee and approved by the Secretary, as may thus be requested by the committee with regard to each shipment of peaches.

SEC. 11. *Right of the Secretary.* The members of the Industry Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of such order, regulation, determination, decision, or other act, and upon such disapproval such action by the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance there-

with prior to such disapproval by the Secretary.

SEC. 12. *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one (1) day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any of the provisions hereof whenever he finds that any such provision does not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal period whenever he finds, by referendum or otherwise, that such termination is favored by the majority of the growers who, during the preceding fiscal period, have been engaged in the production of peaches for market: *Provided,* That such majority has, during such fiscal period, produced for market more than fifty (50) percent of the volume of such peaches produced for market within the area; but such termination shall be effective only if announced on or before the last day of February of the then current fiscal period. The Secretary shall hold such a referendum within the period beginning September 1, 1949, and ending March 31, 1950, to determine whether the termination hereof is favored, as aforesaid, by growers, and again every two years thereafter within the same seven-month period.

(4) [1] The Secretary shall terminate the provisions hereof upon the written request of handlers signatory hereto who submit evidence satisfactory to the Secretary that they shipped, during the then current fiscal period, not less than sixty-seven percent of the total volume of peaches shipped by all of the signatory handlers during the same current fiscal period; but such termination shall be effective only if announced on or before the last day of February of the then current fiscal period.

(5) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon termination of the provisions hereof, the then functioning members of the Industry Committee shall continue as trustees of all of the funds and property (including claims for any funds unpaid or property not delivered at the time of such termination) then in the possession, or under the control, of such committee; and for the purpose of liquidating the affairs of the committee. The Secretary shall prescribe procedural rules governing the activities of said trustees, including, but not being limited to, the determination as to whether action shall be taken by a majority vote of the trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; and shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Industry Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trusees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the Industry Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said trustees.

(4) Any funds collected for expenses pursuant to the provisions hereof and held by such trustees or such other person, over and above accounts necessary to meet outstanding obligations and the expenses incurred necessarily by the trustees or such other person in the performance of their duties hereunder, shall, as soon as practicable after the termination hereof, be returned to the handlers pro rata in proportion to their contributions made pursuant hereto.

SEC. 13. *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

SEC. 14. *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

SEC. 15. *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise; or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 16. *Personal liability.* No member or alternate member of the Industry Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

SEC. 17. *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

SEC. 18. *Amendments.* Amendments hereto may be proposed, from time to time, by the Industry Committee or by the Secretary.

SEC. 19.[2] *Counterparts.* This agreement may be executed in multiple counterparts and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

SEC. 20.[2] *Additional parties.* After the effective date hereof, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

SEC. 21. *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty obligation, or liability which shall have arisen, or which may thereafter arise in connection with any provision hereof, or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or of the Secretary, or of any other person with respect to any such violation.

SEC. 22.[2] *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of peaches in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or may be there inspected.

[SEAL] S. R. NEWELL,
Assistant Administrator.

DECEMBER 17, 1947.

[F. R. Doc. 47-11219; Filed, Dec. 19, 1947; 9:29 a. m.]

[7 CFR, Part 927]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND AMENDMENT TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to

[1] Applicable only to the proposed marketing agreement.

[2] Applicable only to the proposed marketing agreement.

as the "act") and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 11 F R. 7737; 12 F. R. 1159, 4904) a public hearing was held at New York City on November 19, 1947, upon certain proposed amendments to the tentative marketing agreement heretofore approved (12 F. R. 4413) by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area.

Findings and conclusions. Material issues presented at this hearing are as follows:

(1) The establishment of minimum floor prices for Class I–A milk beginning January 1, 1948.

(2) Omission of the Assistant Administrator's recommended decision.

(3) General.

The following findings and conclusions on material issues are based upon evidence introduced at the hearing and the record thereof.

(1) A minimum floor price of $5.46 per hundredweight for Class I–A milk should be provided for January, February, and March 1948.

The cost of production is one factor to be considered in establishing the Class I–A price. The average cost of producing milk was about 13 percent higher in October 1947 than at the same time in 1946. The likelihood of any decline in production costs during the next few months is not apparent.

Although both total production and production per day per dairy in October 1947 were about 7 percent higher than a year earlier, indications were that both would be lower in November 1947 than in November 1946. The milk-feed price ratio is less favorable than a year ago. Available supplies of homegrown grains in the milkshed are below average, and roughage supplies are of inferior quality due to adverse weather conditions. A continuing high feed cost per hundredweight of milk is in prospect for the balance of the current barn-feeding season.

Total sales of fluid milk in the marketing area for the first 9 months of 1947 were about 1 percent lower than during the same months of 1946. Indications are that per capita sales of fluid milk in the marketing area in 1947 will be slightly lower than last year but substantially higher than any year prior to 1943.

The existence of more seasonal variation in production in 1947 than in 1946, even though there was more seasonal variation in the uniform price in 1947 than in any of the past seven years, indicates the need for continuation in 1948 of a seasonal pattern of pricing which will constitute further incentive for less seasonal variation in production. The effect on production in the fall of 1947 of an increase in the percentage of cows freshening since July 1947, compared with the same period in 1946, appears to have been offset by other factors.

Adoption of proposals made at the hearing for establishment, for months following the season of shortest production, of Class I–A floor prices higher than the price during the period of shortest production, would constitute distortion of the desirable seasonal pattern of prices to an extent not justified by prevailing and prospective economic conditions. However, the application of prescribed seasonal price adjustments should not preclude necessary adjustments in the general level of the Class I–A price based on changed economic conditions. Retention during the first quarter of 1948 of a floor price at the level of the present Class I–A price gives consideration and weight to the necessary seasonal pattern of prices, and also to the level of the price in terms of the purchasing power of milk under the economic conditions in prospect during that period.

The proposal considered at the hearing that the Class I–A price (for milk of 3.5 percent butterfat) be not less than the Boston Class I price (for milk of 3.7 percent butterfat) minus 12 cents should not be adopted. This proposal appears to be premised, at least to some extent, on the assumption that a proposed new Class I price formula for the Boston market would become effective on January 1, 1948. It is now apparent that the Boston milk marketing order will not be amended on or before January 1, 1948, to include the proposed new formula. Evidence in the record does not justify a change at this time in the present relationship between the minimum prices established for fluid milk in the New York and Boston markets.

The duration of the particular economic conditions shown to exist in the New York milkshed cannot be determined with sufficient accuracy on evidence in the record to justify fixing the absolute level of Class I–A floor prices for a period longer than for the months of January, February and March 1948.

(2) An emergency exists which requires that action be taken promptly to amend the order to effectuate the above findings and conclusions without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto.

Evidence was introduced at the hearing showing that failure to omit the recommended decision could delay action on the proposed amendments so that their full effectiveness would not be realized. It was generally agreed by both handlers and producers at the hearing that failure to establish appropriate floor prices after January 1, 1948 would jeopardize the future supply of milk for the marketing area.

Any delay beyond January 1, 1948 of effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome milk for the New York market, would disrupt orderly marketing, and would be contrary to the public interest.

(3) *General.* (a) The proposed marketing agreement and the proposed amendments to the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the proposed amendments to the order, as amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the proposed amendments to the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Metropolitan Cooperative Milk Producers' Bargaining Agency Inc., Mutual Cooperative of Independent Producers, Inc., and Mt. Joy Farmers Cooperative Association. These briefs contain specific or implied proposed findings of fact, conclusions, and arguments with respect to the material issues considered at the hearing. Every point covered in the briefs with respect to the material issues enumerated herein was carefully considered, along with the evidence in the record, in making the findings and conclusions set forth in this decision. To the extent that the proposed findings and conclusions differ from the findings and conclusions made herein, the specific and implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions contained in this decision.

Marketing agreement and order Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 17th day of December 1947.

[SEAL] CLINTON P ANDERSON,
Secretary of Agriculture.

Order Amending the Order as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area[1]

§ 927.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 C. F. R., Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentative marketing agreement heretofore approved (12 F. R. 4413) by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 927.5 (a) (1) by changing that portion of such subparagraph preceding the table contained therein to read:

(1) Except as provided in subdivisions (i) (ii) of this subparagraph, for Class I–A milk the price per hundredweight during each month shall be as set forth in the following table:

and by deleting subdivisions (ii) and (iii) and by substituting therefor the following:

(ii) The Class I–A price shall not be less than $5.46 per hundredweight for each of the months of January, February, and March 1948.

[F. R. Doc. 47-11183, Filed, Dec. 19, 1947; 8:59 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 977]

HANDLING OF MILK IN PADUCAH, KY., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held at Paducah, Kentucky, on June 16 to 20, 1947, both dates inclusive, pursuant to the notice thereof issued on May 29, 1947 (12 F. R. 3483) upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Paducah, Kentucky, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Acting Assisting Administrator, Production and Marketing Administration, on October 16, 1947, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER October 21, 1947 (12 F. R. 6853).

The material issues presented on the record were:

(a) Whether the handling of milk in the Paducah, Kentucky, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products;

(b) Whether marketing conditions justify the issuance of an order regulating the handling of milk in the Paducah, Kentucky, marketing area; and

(c) If issuance of such an order is justified, what its provisions should be.

The evidence on this issue involved the following:

(1) The content and scope of various definitions including among others: "marketing area," "producer," "handler," and "other source milk";

(2) The designation, powers, and duties of the market administrator;

(3) The reports to be required of handlers;

(4) The classification and allocation of milk;

(5) The determination and level of prices for the various classes of milk;

(6) The applicability of provisions of the order to producers who are also handlers, and to payments for excess milk or butterfat;

(7) The determination of the uniform price to be paid producers;

(8) The time and method of payment for producer milk;

(9) The expense of administration;

(10) Marketing service deductions; and

(11) Other administrative provisions common to all orders.

Rulings on exceptions. Exceptions to the recommended decision were filed on behalf of the following:

Midwest Dairy Products Co.
Paducah Graded Milk Producers' Association.
Pet Milk Co.

In arriving at the findings, conclusions, and actions decided upon in this decision each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and action decided upon herein with respect to the several issues are at variance with the exceptions pertaining thereto such exceptions are overruled.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing, it is hereby found and concluded that:

(a) The handling of milk in the Paducah, Kentucky, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products.

The production of milk is among the largest of agricultural enterprises and is followed in varying degree in every state. The total milk production of the United States is marketed through several channels: (1) Milk for consumption as fluid milk and fluid cream, which represents more than 50 percent of the total; (2) milk for conversion into and consumption as butter, cheese, condensed or evaporated milk, ice cream, powdered whole or skim milk, special baby foods, etc., and (3) milk or skim milk for use as animal feed or for conversion into products of industry such as casein.

Significant regional differences exist in the production of milk for various uses. There is a rather high degree of regional concentration of the factory production of butter, cheese, and evaporated milk. Outside the area of concentration, most of the milk is consumed as fluid milk or fluid cream or is made into butter on farms.

Manufactured dairy products, to a less extent cream, and to a lesser extent fluid milk, may be readily stored and transported. With respect to cream and manufactured products, the ease with which they may be stored and transported results in a free flow of these products between markets. Many of the consuming markets for these products are located far beyond the boundaries of the state in which the particular products are manufactured.

The motivating factor in the movement of dairy products between markets is the relative price of such products in such markets. The free flow of manu-

factured products between different markets in response to price changes results in a decidedly close correlation between the price of dairy products in different markets. Not only is there a close intermarket price relationship with regard to dairy products, but also the supplies of the raw materials, butterfat, and nonfat milk solids, are interchangeable between products, and as a result the prices received by producers for milk or butterfat, regardless of the use to be made of it, tend to be markedly interrelated.

The producer price interrelationships are due to the fact that farmers can and do shift their milk or butterfat from one outlet to another as price conditions warrant, thereby tending to keep the farm prices of milk and butterfat in any one of the several uses closely related to the farm prices of milk and butterfat in all other uses.

The close interrelationship of prices between milk for fluid distribution and milk for manufactured purposes indicates that the interchangeability of supplies of milk for fluid distribution and of milk for manufacturing purposes is such that prices of milk for fluid distribution in any given area are subject, in a considerable degree, to the same supply and demand forces on a regional and on a national scale, as are prices for milk for manufacturing uses.

There is one large market for dairy products as a whole, and this market is broken down into markets for the several products and into a large number of local submarkets for fluid milk and cream, one for each city, town, or village. This results from the fact that the fluid uses of milk and cream compete with manufacturing uses, and that supplies flowing into these local markets shift from one use to another whenever prices change relatively.

The close relationship between fluid milk and manufactured milk prices may be explained, in part, by the fact that it is impossible to forecast accurately the daily requirements of fluid milk in any milk market, so that some milk intended for fluid distribution finds its way into manufactured dairy products. In addition, producers will, over a period of time, shift their methods of disposal of milk in accordance with changing price relationships.

The prices received by producers for milk entering into manufacturing use are closely related to the United States average farm price for butterfat. Furthermore, the prices received by producers for milk used for fluid consumption are closely associated with the price received by producers for milk entering all other uses. About 42 to 44 percent of the milk produced for commercial disposition is produced to supply fluid milk markets. Because of the uncertainties of demand and supply associated with fluid milk markets, much of the milk produced for such outlets is manufactured into products.

The fluid milk price in any given market will influence the prices in other distant markets and the price of milk used in manufactured dairy products flowing across State lines. In periods of surplus production there is a greater incentive for destructive producer price competition. In an unstabilized market where returns to producers are not based upon proportionate sharing of the fluid milk sales under a classified price plan, there is a tendency, created by the pressure of producers to have a share of the higher priced or fluid market, for the market price to be reduced below the point justified by the existing supply and demand situation in the fluid market. With a declining price in the fluid market in such instances there results an adverse effect on the market of other manufactured products, which effect is spread through a series of price repercussions effecting a decline of prices at other outlets for milk in all its various uses, including other fluid milk. It does not matter that the initial movement in this direction occurs in a market receiving its total supply within a single State. A slump in the price of milk in any sizable market tends to encourage producers to transfer their milk to available facilities for manufactured milk products, which transfer results in an increased amount of dairy products being manufactured locally.

The Paducah fluid milk market is not "isolated" from other fluid milk markets or from the market for manufactured milk. Milk and milk products move into and out of the Paducah market without regard to State boundaries, and the milk produced for the Paducah market competes with milk and its products moving in the current of interstate commerce through manufacturing outlets and other fluid milk markets, as is evidenced by the following:

(1) The Paducah fluid milk market is geographically located so as to cause a substantial effect, burden, or obstruction upon milk used for manufacturing purposes and thus to affect interstate commerce in milk and its products. The City of Paducah is situated on the bank of the Ohio River and is served by a free highway bridge to the State of Illinois. In addition, it is in close proximity to the States of Tennessee and Missouri, and is an important center of distribution for a four-state area. Areas within Illinois, Missouri, Tennessee, and Kentucky with a population of more than 250,000 people lie within a 50-mile radius of Paducah. The adjacent Ohio and Tennessee rivers are navigable streams carrying extensive interstate commerce.

(2) Milk produced in the Paducah milkshed for consumption as fluid milk in the marketing area is produced in competition with milk produced for manufacturing plants from which various products are sold across state lines. The farms of producers delivering milk for fluid uses in Paducah are interspersed among those of other dairymen supplying milk for manufacturing purposes or cream for butter manufacturing. A large manufacturing plant drawing its supplies in part from the Paducah milkshed is located at Mayfield, Kentucky, 26 miles south of Paducah. Some dairy farmers supplying this plant are located within 5 miles of Paducah, and are intermingled with producers supplying the Paducah market.

The hearing record indicates shifting of producers between the Mayfield plant and the plants of Paducah handlers. In 1946 a daily truckload of milk supplying the Mayfield plant was solicited by Paducah handlers and was shifted to the Paducah market. This milk was later cut off from the Paducah market and returned to the Mayfield plant.

Furthermore, the principal handlers of fluid milk in Paducah are buying uninspected milk from dairy farmers in the milkshed. Such milk is used for manufacturing purposes, except during short supply seasons when it has been used for fluid sales on an emergency basis. Ungraded milk supplies are received by the largest handler in Paducah at a receiving station located at Fredonia, Kentucky (55 miles east of Paducah), in addition to similar supplies which are received at the Paducah plant direct from the farms. The volume of such uninspected milk purchased by handlers and its use in fluid form directly affects the market opportunities of producers attempting to supply the fluid demands of the Paducah market.

(3) Supplementary supplies of milk are purchased by Paducah handlers for fluid uses from sources which are in the current of interstate commerce. The record indicates that such supplies have been purchased in substantial quantities for several years. Such supplies are purchased from the Pet Milk Company plant located at Mayfield, Kentucky. During the year 1946, Paducah handlers purchased 898,662 pounds of milk from the Mayfield plant for fluid uses. The Mayfield plant receives about 50 percent of its total supply of milk from the State of Tennessee.

The dairy products manufactured by this plant consist of evaporated milk in hermetically sealed cans which is sold on a national basis as orders are received, and ice cream mix, of which some is sold in Paducah, Kentucky, and Memphis, Tennessee. Since each of the principal fluid milk handlers in Paducah also engages in the sale of ice cream or ice cream mix, it is evident that there is also direct competition between the milk of out-of-state origin received by the Pet Milk Company plant with milk of the Paducah market utilized in these products.

(4) The disposition of milk and milk products by Paducah handlers is in the current of interstate commerce or burdens, obstructs, or affects interstate commerce in milk and its products.

The principal handlers of fluid milk in the Paducah market are the Midwest Dairy Products Company, a corporation with home office in Duquoin, Illinois, and the Miller Dairy Products Company, with home office in Metropolis, Illinois. Each of these concerns operate plants outside of the State of Kentucky. The record indicates transfers of milk and milk products from the Paducah plants to affiliated plants in the States of Tennessee, Missouri, and Illinois.

The record also discloses that bottled fluid milk and milk products are regularly sold by Paducah handlers to a marine supply and service store for resale to river transportation and barge companies engaged in interstate commerce on inland waterways. These dairy products are resold to and consumed by crews and passengers of the boat and barge lines. Special reports concerning

the quality of the milk and milk products as furnished have been required of the Kentucky State Department of Health by the United States Public Health Service because of the interstate aspects of such transactions.

(b) Marketing conditions justify the issuance of a marketing agreement and order regulating the handling of milk in the Paducah, Kentucky, marketing area.

The hearing record indicates need for action which will provide a well-defined price plan for the Paducah, Kentucky market, and which will assure an orderly adjustment of prices based on sound economic considerations.

The need for order and stability in the Paducah market is apparent from the hearing record. The market currently lacks any price plan which will assure producers a dependable price over any period of time, or any stability on the market. Price ceilings and heavy demand during the war resulted in flat prices supplanting the base-surplus pricing plans in effect prior thereto by agreement between the Paducah Graded Milk Producers Association and the handlers. Under producer ceiling prices the normal bargaining functions between producers and handlers lapsed to a considerable degree because of the limited field available for such functions. Ownership of the principal fluid milk plants changed during this period and the new owners have not recognized the producers association as a bargaining agent for its membership. As a result pricing has been by unilateral action of handlers for the past year. Producers have not received sufficient information concerning marketing conditions to adequately protect their interests. They have been individually notified of price changes determined solely by the buyers, and check testing privileges and deductions for association expenses have been discontinued on action of the handlers. Under these circumstances the only arrangement in the market for pricing inspected milk is such flat price as the handlers may care to announce and no provisions exist to provide producers of inspected milk with any stable position in the market. Since handlers also purchase uninspected milk for supplementary fluid uses at lower prices than that paid for inspected milk, any decrease in the demands for fluid sales immediately brings pressure to lower the flat price for all inspected milk and to discontinue purchases from some inspected producers at the inspected price.

The history of the market indicates that the differential between the prices received for inspected milk by Paducah producers and those received by producers delivering ungraded milk to the Mayfield plant have varied from 10 cents to 65 cents per hundredweight during the period from 1944 through 1946. It is highly questionable that the extra costs involved in supplying inspected milk to the fluid milk market varied that much. It is true that during part of this time producer prices for fluid milk were under ceiling control while those for manufacturing milk were not; the resulting situation however makes it increasingly necessary that in the present adjustment period such satisfactory degree of stability in the differential between the price of fluid milk and that of milk for manufacturing be established as will adequately reflect the differences in cost of producing milk for these two uses. The action of the present handlers in failing to bargain with the Paducah Graded Milk Producers' Association with respect to prices and conditions of marketing for milk produced by members of the association has disrupted an historical arrangement of long standing. The association has been in existence since 1933, and according to the hearing record was consistently recognized by former handlers as a bargaining agent. Records of milk utilization were furnished regularly; even though pricing was not on a classified basis. Written contracts formerly in use had apparently been followed by verbal agreements concerning prices and sales plans, and the hearing record indicates that flat pricing was initiated upon verbal agreement between association officials and handlers when market demands during the war consistently exceed deliveries of inspected milk.

(c) From the evidence it is concluded that the proposed marketing agreement and the order, which is hereinafter set forth, and all the terms and conditions thereof, meets the needs of the Paducah market and will tend to effectuate the declared policy of the act. The following findings and conclusions are made with respect to the various provisions of the marketing agreement and order.

(1) *Definitions.* (i) The "marketing area" should be defined to include all territory within McCracken County, Kentucky.

Identical ordinances for McCracken County and for the city of Paducah administered by the McCracken County Health Department, a city-county unit, regulate the quality of milk in all of McCracken County including the city of Paducah. The city of Paducah does not cover all the urban area of the county. Evidence presented at the hearing indicates there are no minor civil divisions other than the Paducah city limits which would provide clearly defined boundaries if the marketing area were to be limited to a portion of the county.

(ii) "Producer" should be defined so as to include only dairy farmers who produce milk permitted by the applicable health authorities to be sold as Grade "A" bottled milk in the marketing area, provided, such milk is received at a milk plant from which milk or cream in bottled form is disposed of in the marketing area or at a so-called receiving station (pool plants), or is diverted by a handler for his account to a milk plant from which no milk or cream is disposed of in the marketing area.

Dairy farmers normally supplying manufacturing plants or milk distributing plants with milk not meeting standards necessary for Grade "A" milk should not be defined as producers. The proposal to include as producers dairy farmers delivering uninspected milk to plants engaged in processing and disposition of fluid milk was withdrawn at the hearing and no evidence for its adoption was presented.

(iii) The term "pool plant" should be defined to include "a milk plant from which milk or cream in bottled form is disposed of in the marketing area" or "a milk plant approved by the appropriate health authorities to furnish (other than under an emergency permit) milk, skim milk, or cream to a plant, from which milk or cream in bottled form is disposed of in the marketing area, for disposition as bottled Grade 'A' milk or cream in the marketing area." Under several provisions of the order it is necessary that certain milk plants be described so as to distinguish them from other milk plants. This definition of "pool plant" will serve this purpose more concisely than would the continued repetition of the many words used in the definition. Any milk manufacturing, processing, or bottling plant not qualified under such a definition is concluded to be a "nonpool plant."

(iv) "Handler" should be defined so as to include the operator of a pool plant, and a cooperative association with respect only to milk of its producer-members which it diverts for its account to a nonpool plant. A definition of a handler is necessary in order to specify what type of processors or distributors are to be subject to regulation. Only operators of plants approved by the health authorities may process and distribute milk for fluid consumption in the marketing area.

A cooperative association of producers is included, though they do not operate a bottling plant, so that in the event any handler receives producer milk in excess of his fluid requirements the association may divert such excess milk to another plant where it may be used in a higher use classification than that in which the first handler might otherwise use it, or in the event no use can be found for such milk in the Paducah market the association may divert such milk to other outlets. This is necessary in order to promote the efficient utilization of producer milk.

(v) The term "other source milk" should be defined to include all milk, skim milk, cream, and any milk product received at a pool plant; except that received from producers, handlers (other than producer-handlers) and any nonfluid milk product received and disposed of in the same form.

This definition would include milk and milk products received at a pool plant under an emergency permit issued by the appropriate health authorities for the sale of Class I milk within the marketing area. Since milk or cream permitted to be sold in the marketing area on an emergency basis is not produced by "producers," no useful purpose would be served by designating it apart from "other source milk."

Milk and milk products received at a pool plant from producer-handlers are included in the definitions of other source milk since such milk and milk products are not subject to the pricing provisions of the proposed marketing agreement and order.

Nonfluid milk products received and disposed of in the same form are not included in other source milk because such products would be classified as Class II milk and then deducted from the same class through the allocation provisions.

(vi) The terms "act," "person," "Secretary," "market administrator," "producer-handler," "delivery period," and "Department of Agriculture" should be defined to shorten the language in subsequent sections of the order. These terms are common to Federal milk marketing orders issued pursuant to the act. No controversy developed at the hearing regarding such terms.

(2) A section should be included in the order outlining the designation, powers, and duties of the market administrator.

The Agricultural Marketing Agreement Act of 1937, as amended, requires that marketing agreements or orders thereunder provide for selection, by the Secretary, of an agency for the administration thereof. In common with all other milk marketing orders the proposed order provides that this agency be a person selected by the Secretary. The act also specifies the powers of the agency which are those included in the proposed order, namely (i) to administer its terms and provisions; (ii) to make rules and regulations; (iii) to receive, investigate and report complaints of violations; and (iv) to recommend amendments.

The duties specified in the proposed order are those required for proper administration thereof. Since moneys of handlers and producers and those necessary for administration of the order are entrusted to him, it is proper that acceptable bond should be furnished by him and such employees as handle funds. It is necessary that auditors, and clerical help be employed for the administration of the order, and that the records of transactions under the order be properly kept and made available to the Secretary.

It is further provided that the market administrator shall audit the records of all handlers and verify the accuracy of reports and payments required by the order. This provision assures equity to handlers in the cost of their milk and assures producers that they will receive the minimum prices specified in the order.

It is specified that the market administrator shall publicly announce the specified class prices and the handler butterfat differential on or before the 6th day following the end of each delivery period. This should provide a reasonable time for him to determine such prices. He is also required to announce the uniform price to producers on or before the 10th day following the end of the delivery period. Since another provision of the order requires handlers to report receipts and utilization of milk which are used in computing the uniform price by the 6th day, the 4 day interval is considered a reasonable period for this computation.

Other duties specified, which are considered important in orderly administration, are (i) to publicly post the names of persons delinquent in submitting reports or making payments, as a protection to others under regulation; (ii) to provide cooperative associations upon request with a report of the percentage of the milk delivered by their producer members which was used in each class by each handler; and (iii) to prepare and make available for the benefit of producers, consumers, and handlers general statistics and information concerning the operation of the order.

The provision requiring the market administrator to furnish the cooperative association with a report of the utilization of milk delivered by members of such association each delivery period will enable such association to better supply handlers needing milk for higher priced uses. The record indicates the association has had difficulty in obtaining sufficient information to perform efficient marketing operations. The information contained in this report together with the provision providing for transfers or diversions of producer milk by the cooperative association will tend to create more efficient utilization of producer milk.

In the performance of the duties of the market administrator, it was proposed by the handlers that the market administrator be prohibited from employing any employee, or member of the family of a handler, producer, or a member of the cooperative association. This proposal should not be adopted, since it is the responsibility of the market administrator to administer the terms and provisions of the order in an impartial manner. Furthermore, it would be impractical to restrict the market administrator in the employment of competent personnel.

(3) A section should be included in the order requiring handlers to submit reports and to keep adequate records of receipts and utilization of milk and milk products which will enable the market administrator to verify payments to producers.

It is necessary that handlers report to the market administrator their receipts and utilization of milk and milk products. From this information, subject to later verification, the market administrator computes the uniform price to be paid to producers. The proposed order specifies that reports of receipts and utilization shall be made on or before the 6th day after the end of the month, which should provide the necessary time for handlers to summarize such items for the preceding calendar month.

A separate report of Class I sales sold outside the marketing area is included in the proposed order. At the request of handlers, this report excludes Class I milk sold from delivery routes serving stops both within and without the marketing area. Testimony indicates a considerable volume of regular sales outside the area by such routes. No useful purpose could be served by requiring such sales to be reported separately from those within the area, and considerable clerical burden could be placed on handlers by such a requirement.

Handlers are also required to report separately by the 6th day after the end of each month the name and address of each producer who either starts or stops delivery of milk to the handler. This provision will enable the market administrator to know promptly the producers for whom he is responsible for furnishing marketing services.

The handler is also required to submit by the 20th day after the end of each month his producer payroll showing quantities, butterfat tests, and net payment to each producer with the price, deductions, and charges involved. This report is required as a showing of the handler's fulfillment of his obligation under the order to pay at least the uniform prices announced.

(4) *Classification of milk.* (i) The classification of milk should be as follows: Class I milk should include all milk, skim milk, and cream disposed of in fluid form as milk, buttermilk, milk drinks (whether plain or flavored) and cream; and all milk, skim milk, and cream not specifically accounted for as Class II milk. Class II milk should include all milk, skim milk, and cream accounted for (i) as used to produce a product other than those specified in Class I milk, (ii) as actual plant shrinkage of milk received from producers, but not to exceed two percent of the receipts of milk from producers, and (iii) as actual plant shrinkage of other source milk received.

The proposed classification follows the historical pattern of the Paducah market. The products included in Class I milk are those subject to the grading requirements of the city-county health ordinances, which require these products to be made from approved milk in order to be sold under a "Grade A" label. The inclusion of fluid cream in Class I milk was proposed by producers upon the basis of historical precedent and the health requirements, and was not contested by handlers. Handlers did protest the inclusion of chocolate milk in Class I milk. Chocolate milk, buttermilk, and other milk drinks are disposed of in fluid form through the same retail and wholesale channels as bottled fluid milk and are used principally as a beverage. The physical characteristics, purposes, values, and uses of these products are more nearly similar to those of fluid milk than to the products included in Class II milk.

An allowable shrinkage of one percent of the receipts of milk from producers was proposed by the cooperative association of producers. Handlers offered no evidence that such an allowance was inadequate other than the claim of excessive losses on chocolate milk resulting from the inability to salvage route returns. It is believed that two percent shrinkage allowance will encourage efficient plant operation and record keeping, and will provide sufficient allowance to cover all losses claimed by handlers on the hearing record. When producer milk and other source milk are utilized in the same plant it is not administratively feasible to segregate the actual plant shrinkage on producer milk. Consequently when producer milk is used in the form of milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to producer milk and other source milk should be computed pro rata according to the proportions of the volumes of such milk, skim milk, and cream received from such sources to their total.

(ii) In establishing the classification of milk the responsibility should be placed upon the handler, who first receives such milk from producers, to account for such milk and to prove to the

market administrator that such milk should not be classified as Class I milk. Any milk classified in one class should be reclassified if used or reused by such handler or by another handler in another class.

The only practical means of administering the classification provisions is to place the responsibility for correct classification on the handler who first receives the milk. Such handler is in the position to control the disposition of such milk and to maintain records necessary to prove the utilization reported to the market administrator.

In fluid milk markets producer milk is often stored in some form for later use in a class other than that in which it was originally classified. The interest of both producers and handlers will be protected by requiring adjustments in the payments made for such milk in accordance with its ultimate use.

(iii) Provisions should be included in the order covering the classification of milk, skim milk, and cream which is transferred or diverted from a pool plant to another pool plant or to a nonpool plant.

Such provisions covering transfers and diversions are considered necessary in order that classification of receipts of the handler, who is the first receiver, may be made without delay. In the case of transfers or diversions to a pool plant of another handler who also receives other source milk at such a pool plant, the other source milk must be eliminated from the computed class volumes through the allocation provisions before the final classification of the transferred or diverted milk can be ascertained. This is considered necessary for the protection and proper classification of producer milk, and is in accord with the method of allocating producer milk proposed under the allocation provisions. Transfers or diversions to a nonpool plant for Class II milk uses should be permitted only if the buyer maintains books and records which are made available if requested by the market administrator for the purpose of verifying the utilization of such milk, skim milk, or cream so transferred or diverted. Such procedure is in accord with the provisions placing the responsibility on the handler who is the first receiver for proper and correct classification of milk. In the event any milk, skim milk, or cream is so transferred or diverted without sufficient proof of utilization, such milk, skim milk, or cream should be classified as Class I milk.

(iv) The volume of Class I milk and Class II milk disposed of by each handler should be computed on the basis of the actual weight of the products disposed of as Class I milk and the actual weight of milk, skim milk, and cream used to produce products disposed of as Class II milk.

The producers proposed to compute the volume of Class I milk on the basis of the actual weight of milk, buttermilk, and milk drinks disposed of, plus the four percent milk equivalent of the butterfat disposed of as fluid cream. The volume of Class II milk under this proposal would have been the four percent milk equivalent of the butterfat used to produce Class II milk products. This method could result in considerable inflation in volume. In order to reconcile this inflated volume to actual receipts, it was proposed that an adjustment be made in the volume of Class II milk. It is evident, however, that much of the inflation would occur in Class I milk under this system of computation, since the proposed classification placed fluid cream in Class I milk.

The actual weight basis in the proposed order will not result in such inflation of volumes. The resulting simplicity is believed to be of special value in the Paducah market. The exhibits presented at the hearing show that a basis similar to the one proposed herein was used in the past in arriving at Class I milk volumes.

(v) In the allocation of classified milk and milk products, producer milk should not be displaced by other source milk.

Since producer milk is frequently intermingled with other source milk in pool plants, it is necessary to provide for classification of all milk received after which the producer milk may be allocated to the proper class. The allowable plant shrinkage of milk received from producers should be allocated to Class II milk, since such milk is not available for use in Class I milk. Receipts of other source milk should be allocated to the lowest priced available usage in order that producers may receive the benefits of the higher priced class. This conforms with the evidence on the record and the position taken by the health authorities that other source milk should not be used for bottling purposes when producer milk is available. Milk received from another handler will be charged to the handler who first received such milk; therefore, it should be eliminated from the class usage of the transferee handler.

(5) *Class prices.* (i) Class prices should be based on prices paid for milk used for manufacturing purposes.

Historically, prices paid for milk used for fluid purposes have been closely related to prices paid for milk used for manufacturing purposes. Production and marketing of milk for each type of manufacturing outlet are subject to many of the same economic factors. Since the market for most manufactured products is country-wide, prices of manufactured dairy products reflect, to a large extent, changes in general economic conditions affecting the supply of and demand for milk. For these reasons fluid milk markets have long used the open market prices of butter and nonfat dry milk solids, or the prices paid by the so-called 18 national condenseries with differentials over these basic or manufacturing prices to establish fluid milk prices. These differentials are needed to cover the cost of meeting quality requirements in the production of market milk and to furnish the necessary incentive to get such milk produced.

It is concluded that the basic formula price to be used in establishing the price for Class I milk of 4.0 percent butterfat content should be the highest of the following: The "paying" prices of 18 condenseries, located in Wisconsin and Michigan, for milk of 3.5 percent butterfat content adjusted by a butterfat differential; a formula price based upon the open market prices of butter and nonfat dry milk solids; or the "paying" prices of a local condensery.

By use of this basic formula price the price for Class I milk will vary with the general level of manufacturing milk prices. The items included in the formulas are those proposed by the producers with two exceptions. One additional nearby manufacturing plant was proposed to be averaged with the price paid by the local condensery included in the proposed order. The products produced at this plant were not clearly established on the record, and a possibility exists that some fluid milk is distributed from it, which might cause the prices paid by such plant to incorrectly reflect manufacturing uses. The local condensery handles a much larger volume of milk and is located between Paducah and the other plant, thus affecting much more directly the market for manufacturing milk in the Paducah area. Prices paid by the condensery have been posted regularly and should be available to the market administrator.

The producers proposed two methods of adjusting the price paid by the 18 condenseries for milk of 3.5 percent butterfat content to milk of 4.0 percent butterfat content; namely, the addition of the value of one-half of a pound of butter plus 20 percent, or the "direct ratio" method, whichever is the higher. It is believed that such price should be adjusted by the former method which represents the manufacturing value of one-half pound of butterfat.

The prices paid by the 18 condenseries and the local condensery should be the f. o. b. plant prices without deductions for hauling or other charges to be paid by the farm shipper. Any premiums paid to such farm shipper should not be included in the basic price, since such premiums have been considered in the class price differentials.

The "butter-nonfat dry milk solids" formula in the proposed order represents an alternate value of 100 pounds of milk for manufacturing uses. Such formula recognizes a minimum yield of 7 pounds of "spray powder" from 90 pounds of skim milk. The 5½ cents deduction from the price quotation of such milk powder represents a manufacturing allowance. In the event such prices for nonfat dry milk solids f. o. b. manufacturing plants are not published, provision is made to use such price quotations for nonfat dry milk solids delivered at Chicago. In this event, an additional allowance of 1 cent per pound of powder is allowed which represents the average spread between such price quotations. To the value computed for 90 pounds of skim milk is added the recognized manufacturing value of 10 pounds of 40 percent cream.

(ii) The consumption of milk in the Paducah market is at a relatively high level. General economic conditions and business activity in Paducah indicate a continued good demand for milk and milk products. The level of production of Grade A producer milk has been insufficient to meet the needs of Class I milk in the market. It has been neces-

sary for handlers to supplement their supplies of producer milk with substantial quantities from other sources.

The cost of feeds, labor, supplies, and materials incurred by Paducah producers in the production of milk shows an upward trend during 1946–47. Farmers producing milk for fluid purposes must use feed, labor, supplies, and materials more extensively to maintain production at a more uniform level than is required of farmers producing milk for manufacturing purposes. Consequently, the increase in the prices which have taken place in these items affect the fluid milk producers more than dairy farmers supplying manufacturing plants. In addition, a substantial investment is required to provide facilities to meet the requirements for the production of fluid milk for the Paducah market. Furthermore, the day-to-day expenses of maintaining such equipment, cooling and caring for milk and sterilizing and caring for equipment are substantially greater than those required for milk for manufacturing purposes.

To reflect these additional costs in the production of Grade A quality milk and to provide the necessary incentive for the production of a sufficient quantity of pure and wholesome milk for the marketing area, the price of milk used for fluid purposes (Class I milk) must be established at a higher level than the price of milk produced for manufacturing outlets. This should be accomplished by adding the following differentials to the basic formula price for the determination of the price per hundredweight for Class I milk: $1.05 for the months of August through December; 85 cents for the months of July, January, February, and March; and 65 cents for the months of April, May, and June. This will provide an average annual price for Class I milk of approximately 88 cents per hundredweight over the level of prices of milk for manufacturing purposes.

The seasonal variation in the differentials proposed follows the monthly pattern proposed in the notice of hearing, which producers and handlers agree represent the seasonal pattern with respect to the cost of producing milk. Such a seasonal variation in the Class I price differential is considered necessary to encourage production more nearly in line with demands for Class I milk. The use of Class I milk has been relatively uniform throughout the year, while the receipts of milk from producers have varied greatly between the seasons of the year. The variation in receipts of producer milk between the spring season and the fall season has become progressively wider in recent years. To reverse this trend will require some assurance that fall and winter prices will be substantially higher than for the spring season. Normally the level of the basic formula price will be from 20 to 40 cents higher during the fall months than during the spring months. Also producers will receive some benefits in the uniform price during the fall and winter months because a greater percentage of their milk will be used in Class I milk. It is estimated that these factors with the differentials proposed herein should result in a seasonal variation of approximately 80–95 cents in the uniform prices paid to producers.

The price for Class II milk should be the higher of the "paying" price of the Pet Milk Company, Mayfield, Kentucky, and the "butter-nonfat dry milk solids" formula price. As stated previously, such formula contains a skim milk value based upon the open market price of "spray powder." The record indicates that spray powder is manufactured in the milkshed. The milk products included in Class II milk need not be made from graded milk. Hence, the producer milk going into these uses must compete with ungraded milk.

It is estimated that a uniform price of $4.99 per hundredweight for milk of 4.0 percent butterfat content would have resulted had the formulas and prices proposed herein been in effect during the 12 months ending May 31, 1947.

The estimated uniform prices referred to above compare with the prevailing prices in the market as follows: The average price (flat price) paid to producers for all milk of 4.0 percent butterfat content during the 12 month period preceding June, 1947, was $4.456 per hundredweight. The price paid during the month of May, 1947, was $3.90.

The pricing of milk on the basis of a 4.0 percent butterfat content follows the custom of the market and was not an issue on the hearing record. For milk received by a handler from producers containing more or less than 4.0 percent of butterfat, the cost of milk to such handler should be adjusted by a butterfat differential based on 120 percent of the wholesale value of 92-score butter at Chicago. Such differential is in line with the recognized manufacturing value of butterfat.

(6) *Application of provisions.* (i) Handlers who distribute only milk of their own production (producer-handlers) should not be required to comply with the classification, pricing, and payment provisions of this order.

Producer-handlers are not a large factor in the Paducah market. Milk delivered by producer-handlers to handlers is defined as other source milk, thus preventing their surplus production from affecting the price of milk to regular producers. Producer-handlers are exempt from all responsibilities under the order except that such persons are required to make reports to the market administrator at such time and in such manner as the market administrator deems necessary.

(ii) In the computation of the value of producer milk, provision should be made for the inclusion of the value of milk or butterfat classified in excess of reported receipts from producers, handlers, and other sources. Similar provisions are common to orders issued pursuant to the act and are necessary to cover discrepancies in the weighing and testing of milk received from producers. For any excess volume of milk or butterfat, the value should be computed by multiplying such volume by the class price, applicable to the class in which such volume was used, adjusted by the handler butterfat differential for the computed butterfat content of such excess above or below 4.0 percent. In the event there is no excess in the volume of computed sales over receipts, but a handler has disposed of butterfat in excess of his receipts of butterfat, the value to be added should be computed by multiplying the pounds of such excess butterfat by the value of butterfat determined pursuant to the handler butterfat differential.

(7) *Uniform price.* Provision should be made for a market-wide type of pool in order that all producers delivering milk to handlers may receive a uniform price for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered.

This method of paying producers will require the establishment of a producer-settlement fund for making adjustments in payments, as among handlers, to the end that the total sums paid by each handler shall equal the value of the milk received by him at the prices fixed in the proposed order.

This system was proposed and supported by producers at the hearing. Handlers did not contest the equity of the proposal, and the hearing record indicates that historically the principal handlers in the market have paid uniform prices.

(8) *Payment for milk.* Although the uniform price is computed only once each month, provision should be made for payment to producers semi-monthly.

Historically producers in the Paducah market have been paid on a semi-monthly basis. In order that this practice may continue, it is concluded that an advance payment should be made to each producer on or before the last day of each month for milk delivered by such producer during the first 15 days of the month. The advance payment should be made on the basis of the uniform price, for milk of 4.0 percent butterfat content, for the preceding delivery period, and should be deducted from the final payment to be made to such producer on or before the 15th day after the end of the delivery period for milk delivered during such delivery period. Such final payment should be made at the uniform price computed for the delivery period, in which such milk was received, adjusted by the producer butterfat differential. Since the producer butterfat differential does not affect the cost of milk to handlers and only concerns the distribution of money between individual producers, it is believed the differential as supported by producers should be adopted.

In order to provide proper protection to handlers and producers, provision is made for an advance payment to producers for the first month this order is in effect at the rate of the prevailing price paid producers for the preceding payment period, and, in the event any producer delivers no milk after the 15th day of the month, the handler may reduce the advance payment by 40 percent.

All dates covering reports of handlers, computation and announcement of the uniform price, and payments to and out of the producer-settlement fund have been established to enable handlers to make final payment to producers on the 15th day after the end of the delivery period. A reasonably adequate time is

allowed handlers and the market administrator to comply with these provisions.

The market administrator should retain an amount of money (not more than 5 cents nor less than 4 cents per hundredweight) in the producer-settlement fund each month to cover adjustment of errors made in payments for milk. In the event the balance in the producer-settlement fund is insufficient to make all payments due handlers, the market administrator may reduce uniformly such payments to handlers, and such handlers may reduce their payments to producers accordingly. Provision is made for the payment of such money when the necessary funds are available.

The market administrator in making payments to any handler from the producer-settlement fund should offset such payments by the amount of payments due from such handler. Without this provision, the market administrator might be required to make payments to a handler who may have obtained money from the producer-settlement fund by filing fraudulent reports, or to a handler who owes money to such fund but is financially unable to make full payment.

All payments made direct to producers or through the producer-settlement fund should be adjusted for errors made in such payments for the preceding delivery periods.

(9) *Expense of administration.* Each handler should be required to pay to the market administrator, as such handler's pro rata share of the expenses necessarily incurred by the market administrator, 5 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, on all receipts of producer milk and other source milk at a pool plant. Each cooperative association which is a handler should pay such expense on only that producer milk caused to be delivered by it to nonpool plants.

The market administrator is required to verify the disposition of all milk received, whether producer milk or other source milk, and other source milk should bear its pro rata share of the administrative cost. Substantial quantities of other source milk are received by handlers at pool plants in the market and such a method of proration will apportion the expenses of administration more equitably between handlers. In the event a lesser amount of money proves to be sufficient for the administration of the order, provision is made to enable the Secretary to reduce the assessment accordingly.

(10) *Deductions for marketing services.* Provision should be made for deductions from payments to producers for marketing services to be provided by the market administrator and by qualified cooperative associations.

The act specifically provides for market information to producers and for verification of weights, sampling, and testing of milk of producers, with appropriate deductions therefor from payments to producers. Specific provision is also made in the act covering marketing service deductions to be paid to qualified cooperative marketing associations who are determined by the Secretary to be performing such services.

The hearing record shows that checking of weights, and butterfat tests, and the lack of accurate market information has been a source of conflict between producers and handlers in the Paducah market. Producers' interest in the market require that they be provided with these services.

A deduction from payments to producers for whom such services are not being performed by a cooperative association, qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," should be made by handlers at the rate of 5 cents per hundredweight or such lesser amount as may be determined by the Secretary. Such deductions should be paid to the market administrator, on or before the 20th day after the end of each month, to be used in defraying the necessary expenses incurred by the market administrator, or an agent engaged by, and responsible to, him in the performance of marketing services to such producers.

In the case of producers for whom a qualified cooperative association is performing, as determined by the Secretary, such marketing services, each handler should make such deductions as are authorized by such producers and, on or before the 20th day after the end of each month, pay over such deductions to the association rendering such services.

(11) *Administrative provisions.* The marketing agreement and order should provide for other general administrative provisions which are common to all orders and which are necessary for the proper and efficient administration of the order. Among others, such provisions should provide for (i) the designation of an agent to act as the representative of the Secretary in connection with any of the provisions of the order, (ii) the effective time such provisions shall be in force, (iii) a plan for liquidation of the order in the event of its suspension or termination, and (iv) the separability of the application of provisions in the event any provision of the order is held invalid. No objections were raised by either handlers or producers with regard to these provisions.

Additional findings. (a) It is hereby found and proclaimed in connection with the issuance of this decision regarding the proposed marketing agreement and the proposed order regulating the handling of milk in the Paducah, Kentucky, marketing area, that the purchasing power of such milk during the prewar period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but the purchasing power of such milk for the period August 1927–July 1929 can be satisfactorily determined from available statistics of the Department of Agriculture, and the period August 1927–July 1929 is the base period to be used in connection with the said marketing agreement and said order in determining the purchasing power of such milk.

(b) The proposed marketing order will regulate the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial or commercial activity specified in the proposed marketing agreement upon which the hearing was held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area" and "Order Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, which will be published with the decision.

This decision filed at Washington, D. C., this 17th day of December 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in Paducah, Kentucky, Marketing Area

§ 977.0 *Findings*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Paducah, Kentucky, marketing area. Upon the basis of evidence introduced at such hearing and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the re-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

spective classes of industrial and commercial activity specified in a proposed marketing agreement upon which hearings have been held; and

(4) All milk and milk products, handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

(b) *Additional findings.* (1) It is hereby found and proclaimed in connection with the execution of a tentative marketing agreement and the issuance of this order regulating the handling of milk in the said marketing area, that the purchasing power of such milk during the prewar period of August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but the purchasing power of such milk for the period August 1927–July 1929 can be satisfactorily determined from available statistics of the Department of Agriculture, and the period August 1927–July 1929 is the base period to be used in connection with the said marketing agreement and this order in determining the purchasing power of such milk.

(2) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by (i) each handler, as his pro rata share of such expenses, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts at a pool plant, during the delivery period, of (*a*) milk from producers (including such handler's own production) and (*b*) other source milk, and (ii) each cooperative association as its pro rata share of such expenses, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to milk of producers caused to be diverted by it pursuant to § 977.1 (i) (2)

Order relative to handling. It is hereby ordered, that on and after the effective date hereof the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the following terms and conditions:

§ 977.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.)

(b) "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency authorized to perform the price reporting functions specified herein.

(d) "Person" means any individual, partnership, corporation, association, or other business unit.

(e) "Paducah, Kentucky, marketing area," hereinafter called the "marketing area," means all the territory within McCracken County, Kentucky.

(f) "Pool plant" means: (1) A milk plant from which milk or cream in bottled form is disposed of in the marketing area; or (2) A milk plant approved by the appropriate health authorities to furnish (other than under an emergency permit) milk, skim milk, or cream to a plant described in subparagraph (1) of this paragraph for disposition as bottled Grade "A" milk or cream in the marketing area.

(g) "Nonpool plant" means any milk manufacturing, processing, or bottling plant other than a pool plant.

(h) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is permitted by the applicable health authorities to be sold as Grade "A" bottled milk in the marketing area, and which is:

(1) Received at a pool plant; or

(2) Diverted by a handler from a pool plant to a nonpool plant: *Provided,* That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

(i) "Handler" means:

(1) Any person who, on his own behalf or on behalf of others, operates a pool plant; and

(2) Any cooperative association of producers, as defined in § 977.10 (b) with respect to milk of producers diverted for the account of such association to any milk distributing or milk manufacturing plant.

(j) "Producer-handler" means any person who is both a producer and a handler but who receives no milk from other producers.

(k) "Other source milk" means all milk, skim milk, cream, or any milk product received at a pool plant, except:

(1) That received from producers;

(2) That received from a handler, other than a producer-handler; and

(3) Any nonfluid milk product received and disposed of in the same form.

(l) "Delivery period" means the calendar month, or the total portion thereof, during which the provisions hereof are effective.

(m) "Market administrator" means the person designated pursuant to § 977.2 as the agency for the administration hereof.

§ 977.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To make rules and regulations to effectuate its terms and provisions;

(3) To receive, investigate, and report to the Secretary complaints of violations; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 977.9: (i) The cost of his bond and of the bonds of his employees; (ii) his own compensation; and (iii) all other expenses, except those incurred under § 977.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 977.3 (a) or (ii) payments pursuant to § 977.8;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Upon request, report, on or before the 25th day after the end of each delivery period, to each cooperative association described in § 977.10 (b) the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(9) Verify all reports and payments required to be made by handlers pursuant to the provisions of this order;

(10) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation hereof;

(11) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 6th day after the end of such delivery period, the minimum class prices and the butterfat differential to handlers; and

(ii) On or before the 10th day after the end of such delivery period, the uni-

form price and the butterfat differential to producers.

§ 977.3 *Reports, records, and facilities*—(a) *Submission of reports.* Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 6th day after the end of each delivery period:

(i) The receipts, utilization, and butterfat tests of all milk, skim milk, cream, and milk products required to be classified pursuant to § 977.4 (a)

(ii) A statement of the disposition of Class I milk outside the marketing area (other than from delivery routes serving stops both within and without the marketing area)

(iii) The name and address of each producer from whom milk is received for the first time, and the date on which such milk was first received; and

(iv) The name and address of each producer who discontinues deliveries of milk, and the date on which the milk of such producer was last received.

(2) Within 20 days after the end of each delivery period, his producer payroll, which shall show for such delivery period:

(i) Each producer's total delivery of milk with the average butterfat test thereof; and

(ii) The net amount of the payment made to each producer with the price, deductions, and charges involved.

(b) *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to: (1) Verify the receipts and disposition of all milk, and milk products, required to be reported, and, in case of errors or omissions, ascertain the correct figures; (2) Weigh, sample, and test for butterfat content all milk and milk products handled; and (3) Verify payments to producers.

§ 977.4 *Classification of milk*—(a) *Basis of classification.* The market administrator shall classify, on the basis of the classes set forth in paragraph (b) of this section and subject to the conditions of paragraphs (c) (d) and (e) of this section, all receipts, within the delivery period by a handler at a pool plant, of (1) milk from producers (including his own farm production) (2) milk, skim milk, cream, and milk products from other handlers, and (3) other source milk; and all milk of producers diverted by a cooperative association.

(b) *Classes of utilization.* The classes of utilization shall be as follows:

(1) Class I milk shall be all milk, skim milk, and cream disposed of in fluid form as milk, buttermilk, milk drinks (whether plain or flavored) and cream; and all milk, skim milk, and cream not specifically accounted for as Class II milk.

(2) Class II milk shall be all milk, skim milk, and cream accounted for (i) as used to produce a product other than those specified in Class I milk, (ii) as actual plant shrinkage of milk received from producers, but not to exceed 2 percent of the total receipts of such milk, and (iii) as actual plant shrinkage of other source milk: *Provided,* That if milk received from producers is used in the form of milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to the milk received from producers shall not exceed its pro rata share computed on the basis of the proportion of the volumes received from the various sources to their total.

(c) *Responsibility of handlers and reclassification of milk.* (1) All milk, skim milk, and cream received shall be Class I milk, unless the handler who first receives such milk, skim milk, or cream proves to the market administrator that such milk, skim milk, or cream should be classified otherwise.

(2) Any milk, skim milk, or cream classified in one class shall be reclassified if used or reused by such handler or by another handler in another class and the adjustments necessary to reflect the reclassified value of such milk, skim milk, or cream shall be made in the manner specified in § 977.8 (e) with respect to errors in payment.

(d) *Transfers of milk, skim milk, and cream.* (1) Milk, skim milk, and cream disposed of, by transfer or diversion, by a handler from a pool plant to a pool plant of another handler shall be Class I milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of the delivery period within which such transaction occurred: *Provided,* That milk, skim milk, or cream so assigned to Class II milk shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to paragraph (e) (2) of this section, and any excess of milk, skim milk, or cream shall be assigned to Class I milk.

(2) Milk, skim milk, and cream disposed of, by transfer or diversion, by a handler from a pool plant to a nonpool plant shall be Class I milk, unless (i) the handler claims another class on the basis of utilization mutually indicated in writing to the market administrator by both the operator of the nonpool plant and the handler on or before the 6th day after the end of the delivery period within which such transaction occurred, and (ii) the operator of the nonpool plant maintains books and records showing the utilization of all milk and milk products at such plant which are made available if requested by the market administrator for the purpose of verification: *Provided,* That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of milk, skim milk, and cream in such indicated use, the remaining pounds shall be classified as Class I milk.

(e) *Allocation of milk classified.* The amount remaining in each class after making the following computations shall be the amount in such class allocated to milk received from producers:

(1) Subtract from the total pounds in Class II milk the pounds of actual plant shrinkage of milk received from producers which does not exceed 2 percent of the total receipts of such milk;

(2) Subtract from the pounds remaining in each class, in series beginning with Class II milk, the total pounds of other source milk received;

(3) Subtract from the pounds remaining in each class the total pounds of milk, skim milk, and cream received from other handlers and assigned to such class pursuant to paragraph (d) (1) of this section; and

(4) Add to the pounds remaining in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the pounds remaining in all classes exceeds the pounds of milk received from producers, subtract such excess from the pounds remaining in the various classes, in series beginning with Class II milk.

§ 977.5 *Minimum prices*—(a) *Class prices.* Subject to paragraph (c) of this section, each handler shall pay producers, at the time and in the manner set forth in § 977.6, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk, computed pursuant to § 977.4 (e)

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.05 for the delivery periods of August, September, October, November, and December; $0.85 for the delivery periods of July, January, February, and March; and $0.65 for the delivery periods of April, May, and June.

(2) *Class II milk.* The price for Class II milk shall be the average of the basic (or field) prices reported to or ascertained by the market administrator to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the delivery period by the Pet Milk Company at its manufacturing plant located at Mayfield, Kentucky, or the price computed pursuant to the following formula, whichever is the higher:

(i) Multiply by 4.0 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(ii) Add 20 percent thereof; and

(iii) Add 3½ cents for each full one-half cent that the price of nonfat dry milk solids by spray process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by spray process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for such price determination for the previous delivery period. In the event the carlot prices for such milk solids, f. o. b. manufacturing plant, are not so published, the average of the carlot prices for such milk solids delivered

at Chicago, as published by the Department of Agriculture, shall be used, and the following shall be used in lieu of the computation provided for herein: Add 3½ cents for each full one-half cent that the price of such nonfat dry milk solids delivered at Chicago is above 6½ cents per pound.

(b) *Basic formula price.* The basic formula price per hundredweight to be used in determining the price for Class I milk shall be the Class II price for the delivery period, or the price computed as follows, whichever is the higher:

To the average of the basic (or field) prices reported to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Location

Borden Co..	Pet Milk Co..
Black Creek, Wis.	Belleville, Wis.
Greenville, Wis.	Coopersville, Mich.
Mt. Pleasant, Mich.	Hudson, Mich.
New London, Wis.	New Glarus, Wis.
Orfordville, Wis.	Wayland, Mich.
Carnation Co..	White House Milk Co..
Berlin, Wis.	Manitowoc, Wis.
Jefferson, Wis.	West Bend, Wis.
Chilton, Wis.	
Oconomowoc, Wis.	
Richland Center, Wis.	
Sparta, Mich.	

add an amount computed by multiplying the butterfat differential, determined pursuant to § 977.8 (f) by 5.

(c) *Butterfat differential to handlers.* If any handler has received milk from producers during the delivery period containing more or less than 4.0 percent of butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 4.0 percent, an amount computed as follows: multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

§ 977.6 *Applicability of provisions*—(a) *Handlers who are also producers.* Sections 977.3, 977.4, 977.5, 977.7, 977.8, 977.9, and 977.10 shall not apply to a producer-handler, except that such producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

(b) *Payment for excess milk or butterfat.* In the event that a handler, after subtracting receipts of other source milk and receipts of milk, skim milk, and cream from other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which has been credited to producers as having been received from them, such handler shall pay to producers through the producer settlement fund the value of such milk or butterfat determined as follows:

(1) Multiply any such excess volume subtracted from any class pursuant to § 977.4 (e) (4) by the applicable class price, adjusted by the handler butterfat differential, for each one-tenth of one percent that the computed butterfat content of such excess varies from 4.0 percent;

(2) Multiply the pounds of any such excess butterfat, for which no excess was subtracted pursuant to § 977.4 (e) (4) by 10 times the handler butterfat differential.

§ 977.7 *Determination of uniform price to producers*—(a) *Computation of value for each handler* For each delivery period, the market administrator shall compute the value of milk of producers received by each handler by multiplying the pounds in each class by the applicable class price adjusted by the handler butterfat differential, adding together the resulting class values, and adding to such sum the value of any excess milk or butterfat computed pursuant to § 977.6 (b)

(b) *Computation of the uniform price.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of producer milk containing 4.0 percent of butterfat as follows:

(1) Combine into one total the values, computed pursuant to paragraph (a) of this section, for all handlers who made the reports prescribed by § 977.3 (a) for such delivery period, except those in default of payments required pursuant to § 977.8 (c) for the preceding delivery period;

(2) Subtract, if the average butterfat content of all milk received from producers represented by the values included under subparagraph (1) of this paragraph is in excess of 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, the total value of the butterfat differential applicable pursuant to § 977.8 (f)

(3) Add an amount representing the cash balance in the producer-settlement fund;

(4) Divide the resulting amount by the total hundredweight of milk received from producers included in these computations; and

(5) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers.

§ 977.8 *Payment for milk*—(a) *Time and method of payment*—(1) *Partial payment.* On or before the last day of each delivery period, each handler shall make payment to each producer, at not less than the applicable uniform price of the preceding delivery period, for the milk of such producer which was received by such handler during the first 15 days of the current delivery period: *Provided,* That during the first delivery period for which this order is in effect, such rate of payment shall be not less than the prevailing price paid to such producer for 4.0 percent milk for the preceding payment period: *And provided further* That such rate of payment to any producer who has discontinued delivery of milk during the delivery period, may be reduced by not more than 40 percent.

(2) *Final payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer, for milk received from such producer during such delivery period, at not less than the uniform price per hundredweight, subject to the following adjustments: (i) The producer butterfat differential, (ii) payment made pursuant to subparagraph (1) of this paragraph, (iii) marketing service deductions, (iv) deductions authorized by the producer, and (v) any error in calculating payment to such producer for the past delivery periods: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (d) of this section, he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain in a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (c) and (e) of this section, and out of which he shall make all payments pursuant to paragraphs (d) and (e) of this section: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

(c) *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the value of his milk, computed pursuant to § 977.7 (a) for such delivery period is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price adjusted by the producer butterfat differential.

(d) *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, any amount by which the total value of his milk, computed pursuant to § 977.7 (a), for such delivery period is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price adjusted by the producer butterfat differential. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(e) *Adjustments of errors in payments.* Whenever verification by the

market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (d) of this section, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(f) *Butterfat differential to producers.* In making payments to each producer, pursuant to paragraph (a) (2) of this section, each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent of butterfat content above or below 4.0 percent in milk received from such producer, the amount as shown in the following schedule for the butter price range in which falls the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture, for the delivery period during which such milk was received:

Butter price range (cents)	Butterfat differential (cents)
17.499 or less	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

§ 977.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 977.2 (c) (4) each handler shall pay to the market administrator, on or before the 20th day after the end of each delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts at a pool plant, during the delivery period, of milk from producers (including such handler's own production) and other source milk. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers diverted for the account of such association to a nonpool plant.

§ 977.10 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 977.8 (a) (2) with respect to milk received from each producer (excluding such handler's own farm production) shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and, on or before the 20th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 977.8, as are authorized by such producers, and, on or before the 20th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 977.11 *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 977.12 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions hereof, or any amendments hereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions hereof or any amendments hereto.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order or any amendments thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 977.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 977.14 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 47-11220; Filed, Dec. 19, 1947; 8:47 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR, Part 202]

SUIT AND COAT BRANCH OF UNIFORM AND CLOTHING INDUSTRY

NOTICE OF HEARING ON AMENDMENT OF PREVAILING MINIMUM WAGE DETERMINATION

Whereas, the Secretary of Labor, in the prevailing minimum wage determination for the Uniform and Clothing Industry, issued pursuant to the provisions of the act of June 30, 1936 (49 Stat. 2036; U. S. C., 41 U. S. C. 35–45; otherwise known as the Walsh-Healey Public Contracts Act) and dated January 25, 1941 (41 CFR, Cum. Supp., 202.37), determined that the prevailing minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the provisions of the act for the manufacture or furnishing of the products of the Suit and Coat Branch of the Uniform and Clothing Industry was 60 cents an hour or $24 for a week of 40 hours, arrived at on a time or piecework basis; and

Whereas, the Secretary of Labor, on June 28, 1945 (41 CFR, 1945, Supp., 202.37) amended that part of the wage determination for the Suit and Coat Branch which established a percentage tolerance for auxiliary workers and provided that such auxiliary workers shall be paid not less than 40 cents an hour or $16 per week of 40 hours, by removing the percentage limitation, by defining the term "auxiliary workers" by providing that such term as applied to employees in the Branch shall include only those employees engaged in such defined occupations, and by providing that the minimum wage required by the original determination dated January 25, 1941 of 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piecework basis, shall be paid; and

Whereas, pursuant to Article 1102 of Regulations 504, (41 CFR, Cum. Supp., 201.1102) as amended (9 F. R. 3655) workers whose earning capacity is impaired by age or physical or mental deficiency or injury may, in accordance with the procedure set forth therein, be employed on all contracts subject to

minimum wage determinations issued pursuant to the Public Contracts Act at wages lower than the prevailing minimum wage specified in such determinations; and

Whereas, the Suit and Coat Branch of the Uniform and Clothing Industry is defined in the aforesaid determination dated January 25, 1941 as "that branch which manufactures men's civilian suits and overcoats, tailored-to-measure uniforms including the pants, uniform overcoats, and uniform coats"; and

Whereas, the definition of the Suit and Coat Branch of the Uniform and Clothing Industry contained in the aforesaid wage determination dated January 25, 1941 expressly excluded "shirts, single pants regardless of material, outdoor jackets, leather and sheeplined jackets, work clothing and washable service apparel" which exclusionary clause does not include tailored-to-measure uniform trousers or tailored short jackets designed to take the place of regular Army issue coats, e. g. the "Eisenhower" jacket, which products are covered by the Suit and Coat Branch of the Uniform and Clothing Industry; and

Whereas, the Amalgamated Clothing Workers of America has petitioned for an amendment to the prevailing minimum wage determination for the Suit and Coat Branch of the Uniform and Clothing Industry of 85 cents per hour for non-auxiliary workers and 65 cents per hour for auxiliary workers; and

Whereas, the wage determination for the Suit and Coat Branch of the Uniform and Clothing Industry dated January 25, 1941, contains no provision for the employment of learners at less than the specified minimum wage.

Now, therefore, notice is hereby given: That a public hearing will be held on January 21, 1948, at 10:00 a. m. in Room 3428, Department of Labor Building, Fourteenth and Constitution Avenue, NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and offer testimony (1) Either for or against the proposal of the Amalgamated Clothing Workers of America as hereinbefore set forth, and (2) as to whether any amendment should include provision for the employment of learners at a rate lower than the minima hereinbefore described, including the following:

1. Is it the prevailing practice in the Suit and Coat Branch of the Uniform and Clothing Industry to employ learners at rates lower than those paid to experienced workers;

2. If learners are employed at such lower rates, (a) in what occupations are they employed, (b) in what number or proportion, (c) for what periods of time, and (d) at what rates lower than those paid experienced workers in the same occupation;

3. Should an amendment provide for the employment of learners at minimum rates lower than those established for other workers, and if so, in what occupations, at what minimum rates, and with what limitations as to the length of the learner period and the number or proportion of learners?

Any interested person may appear at the hearing to offer evidence, *Provided*, That not later than January 14, 1948, such person shall file with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Fourteenth and Constitution Avenue, NW., Washington, D. C., a notice of intention to appear containing the following information:

1. The name and address of the person appearing;

2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing; and

3. The purpose for which he is appearing.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt.

Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

The petition by the Amalgamated Clothing Workers of America for amendment of the prevailing minimum wage determination for the Suit and Coat Branch of the Uniform and Clothing Industry, including a recent survey of wages, will be available for distribution on or before the date of the hearing. Copies of this petition and survey may be obtained by any person upon request addressed to the Administrator.

Signed at Washington, D. C., this 15th day of December 1947.

WM. R. MCCOMB,
Administrator

[F. R. Doc. 47-11216; Filed, Dec. 19, 1947; 8:58 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 9726, 1380831]

CALIFORNIA

ORDER PROVIDING FOR OPENING OF LANDS RESTORED FROM YUMA AND COLORADO RIVER STORAGE PROJECTS

DECEMBER 10, 1947.

An order of the Bureau of Reclamation dated August 12, 1947, concurred in September 15, 1947, by the Director, Bureau of Land Management, revoked Departmental Orders of April 2, 1909, February 11, 1920, and October 19, 1920, so far as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described in connection with the Yuma Project, provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

An order of the Bureau of Reclamation dated August 14, 1947, concurred in September 15, 1947, by the Director, Bureau of Land Management, revoked Departmental Order of June 4, 1930, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388) the lands hereinafter described in connection with the Colorado River Storage Project, California, provided that such revocation shall not affect the withdrawal of any other lands by said order or effect any other orders withdrawing or reserving the lands described.

At 10:00 a. m. on February 11, 1948 the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from February 12, 1948, to May 12, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279–283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from January 23, 1948, to February 11, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on February 12, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on May 13, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from April 23, 1948, to May 12, 1948, inclusive, and all such applications,

together with those presented at 10:00 a. m. on May 13, 1948 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Los Angeles, Calif., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Los Angeles, Calif.

The lands affected by this order are described as follows:

SAN BERNARDINO MERIDIAN, CALIFORNIA

YUMA PROJECT

T. 6 S., R. 7 E.,
Sec. 18, lots 2, 3, 4, NE¼, E½NW¼, E½SW¼, and SE¼.
secs. 19, 30, 31 and 32, all.
T. 7 S., R. 8 E.,
Secs. 30 and 31, all.
T. 8 S., R. 8 E.,
Secs. 27, 34 and 35, all.
T. 7 S., R. 9 E.,
Sec. 1, all.
T. 9 S., R. 9 E,
Secs. 6, 7 and 18, all.
T. 10 S., R. 9 E.,
Secs. 3, 10, 13, 14, 15, 22 to 27, incl., 34 and 35, all.
T. 8 S., R. 10 E.,
Sec. 1, all,
T. 10 S., R. 10 E.,
Secs. 8, 16 to 23, incl., and 25 to 36, incl., all.
T. 8 S., R. 11 E.,
Secs. 3, 4, 5, 7 to 11, incl., 14 to 17, incl., 21 to 27, incl., 34, 35 and 36, all.
T. 9 S., R. 11 E.,
Secs. 1, 2, 3, 11, 12 and 13, all.
T. 8 S., R. 12 E.,
Sec. 31, all.
T. 9 S., R. 12 E.,
Secs. 5 to 11, incl., 13 to 29, incl., and 36, all.
T. 9 S., R. 13 E.,
Secs. 13, 14, 15, 19, 28 and 29, all;
Sec. 30, lots 3 to 6, incl., N½NE¼, E½NW¼, E½SW¼ and S½SE¼.
Secs. 31 to 35, incl., all.
T. 10 S., R. 13 E.,
Sec. 12, NE¼NE¼.
T. 9 S., R. 14 E.,
Secs. 24 to 30, incl., and 33 to 36, incl., all.
T. 10 S., R. 14 E.,
Secs. 1, 2, 12, 13 and 17, all;
Sec. 18, N½NE¼ and SE¼NE¼,
Sec. 28, NE¼ and NE¼SE¼,
Sec. 34, N½NE¼, SE¼NE¼ and NE¼NW¼.
T. 10 S., R. 15 E.,
Secs. 1 to 30, incl., and 33 to 36, incl., all.
T. 10 S., R. 16 E.,
Secs. 18, 19, 29, 30, 31 and 32, all.

SAN BERNARDINO MERIDIAN, CALIFORNIA

COLORADO RIVER STORAGE PROJECT

T. 7 S., R. 10 E.,
Secs. 1 to 6, incl., 9 to 14, incl., and 24, all.
T. 7 S., R. 11 E.,
Secs. 1 to 26, incl., and 29, all.
T. 8 S., R. 12 E.,
Secs. 1 to 4, incl., 10 to 16, incl., 23 and 31, all.
T. 8 S., R. 13 E.,
Secs. 1 to 30, incl., and 32 to 36, incl., all.
T. 9 S., R. 13 E.,
Secs. 1 to 6, incl., 9 to 15, incl., 19, 21, and 28 to 35, incl., all.
T. 9 S., R. 14 E.,
Secs. 1 to 30 and 33 to 36, incl., all.
T. 10 S., R. 14 E.,
Secs. 1, 2, 7, 12, 13 and 17, all;
Sec. 18, lots 3 to 6, incl., NE¼, E½NW¼ and E½SW¼.
Sec. 19, all;
Sec. 20, SW¼NE¼ and W½.
Secs. 21 and 27 to 31, incl., all;
Sec. 32, N½ and SW¼.
Secs. 33, 34 and 35, all.
T. 10 S., R. 16 E.,
Secs. 18 to 21 and 28 to 33, incl., all.

The above areas aggregate 169,009.46 acres.

Available information indicates that these lands vary from level desert to rough and rocky in character.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-11150; Filed, Dec. 19, 1947; 8:46 a. m.]

MOHAWK RIVER SUSTAINED YIELD FOREST UNIT

NOTICE OF HEARING

DECEMBER 17, 1947.

Pursuant to the authority vested in the Secretary of the Interior by the act of August 28, 1937 (50 Stat. 874) and in accordance with 43 CFR, §§ 115.7, 115.8 (Circular 1608 of August 11, 1945), a hearing will be held by C. Girard Davidson, Assistant Secretary of the Interior on January 21, 1948, at 10:00 a. m., at Johnson Hall, University of Oregon, Eugene, Oregon, to consider whether the establishment of the Mohawk River Sustained Yield Forest Unit, described below, will facilitate administration of the said act and whether, in accordance with the request of the Fischer Lumber Company, Marcola, Oregon, a cooperative agreement should be executed with it and other owners of lands in the proposed forest unit for sustained yield forest management, which lands if committed to the agreement, will be subject to its provisions. The lands which would be within the exterior boundaries of the proposed forest unit, if established and which would be subject to the provisions of the agreement, if committed by their respective owners, are as follows:

T. 15 S., R. 1 E.,
Sec. 19, all;
Sec. 20, NW¼NW¼, SW¼, S½SE¼,
Sec. 30, N½NW¼, NW¼NE¼.
T. 14 S., R. 1 W.,
Sec. 25, S½S½,
Sec. 27, S½SE¼,
Secs. 31 to 36, inclusive.
T. 15 S., R. 1 W.,
Secs. 1 to 15, inclusive;
Sec. 16, N½, N½S½, SE¼SE¼, SW¼SW¼;
Sec. 17 to 20, inclusive;
Sec. 21, SW¼, S½SE¼, S½NW¼, NW¼NW¼,
Sec. 22, S½S½S½SW¼,
Sec. 23, E½, N½NW¼, SW¼NW¼, SE¼SW¼,
Secs. 24, 25 and 26;
Sec. 27, N½NW¼, E½SE¼, SW¼SE¼, SE¼SW¼,
Sec. 23, NW¼NE¼;
Secs. 29, 30 and 31;
Sec. 32, W½,
Sec. 33, SE¼, S½NE¼, SE¼SW¼,
Sec. 34, S½, NE¼, S½NW¼, NE¼NW¼;
Sec. 35, all.
T. 16 S., R. 1 W.,
Secs. 2 and 3;
Sec. 4, E½,
Sec. 5, W½NE¼, N½NW¼,
Sec. 6, all;
Sec. 7, N½NW¼, SW¼NW¼, N½N½N½NE¼,
Sec. 9, N½, N½SW¼,
Sec. 10, N½NW¼, SW¼NW¼,
Secs. 11, 14 and 15;
Sec. 16, S½,
Sec. 17, SE¼, SE¼SW¼, SE¼NE¼;
Sec. 19, S½SE¼, Lots 5, 6, 7, 8;
Sec. 20, S½, S½NE¼,
Secs. 21, 22 and 23;
Secs. 26 to 34, inclusive.
T. 14 S., R. 2 W.,
Sec. 25, E½,
Sec. 33, E½SE¼.
Sec. 34, S½.
Sec. 35, S½.
Sec. 36, all.
T. 15 S., R. 2 W.,
Secs. 1, 2, 3 and 9 to 16, inclusive;
Sec. 17, NE¼NE¼,
Sec. 20, E½E½,
Secs. 21 to 23, inclusive;
Secs. 31 to 36, inclusive.
T. 16 S., R. 2 W.,
Secs. 1 to 9, inclusive;
Sec. 10, SW¼,
Sec. 11, NE¼NE¼,
Sec. 12, N½, SE¼, E½SW¼,
Sec. 15, S½, NW¼, S½NE¼, NW¼NE¼,
Secs. 16 to 21, inclusive;
Sec. 22, N½, SE¼,
Sec. 23, NW¼SW¼,
Sec. 25, SE¼, E½NE¼, E½W½NE¼,
Sec. 27, SW¼NW¼,
Secs. 28 to 32, inclusive;
Sec. 33, W½, W½W½NE¼, W½NW¼SE¼.
T. 17 S., R. 2 W.,
Sec. 5, N½N½,
Sec. 6, all;
Sec. 7, N½, SW¼.
Sec. 18, NW¼.
T. 16 S., R. 3 W.,
Sec. 1, E½, SE¼NW¼,
Sec. 12, E½, E½SW¼, E½W½SW¼, E½SW¼NW¼, SE¼NW¼,
Sec. 13, all;
Sec. 24, NE¼, E½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼.
T. 17 S., R. 3 W.,
Sec. 1, E½SE¼.
Sec. 13, NE¼NE¼.

The lands are located within Lane and Linn Counties, Oregon. The exterior boundaries of the above-described unit are shown on maps of the proposed Mohawk River Sustained Yield Forest Unit, marked Exhibit A, on file at the regional and district offices of the Bureau of Land Management listed below. The marketing area for the proposed sustained yield unit will be identical with that established for the Upper Willamette Master Unit by Departmental Order 2390 of November 29, 1947 (12 F. R. 8216).

Within the exterior boundaries of the proposed forest unit there are 34,505 acres of forest lands under jurisdiction of the Department of the Interior and

18,378 acres of land owned by the Fischer Lumber Company, approximately 21,000 acres of land are in the hands of other owners, including the State and the counties.

The hearing will be open to the attendance of local officers, representatives of dependent industries, labor, residents, and all other interested persons. It is requested that those desiring to be heard at the hearing notify the Regional Administrator, Swann Island Station, Portland 18, Oregon, prior to January 20, 1948, and those desiring to submit written statements submit them as soon as possible before the hearing.

Anyone who is qualified under the regulations and the terms of the proposed agreement to become a cooperator and wishes to do so should express his intention by executing a copy of the draft agreement to be filed with the Regional Administrator prior to the hearing or at such later date as may be specified by the presiding officer at the hearing.

Further information concerning the proposed agreement, applicable regulations, location and area of Federal lands involved, expenditures due to cutting and requirements for operations of the proposed cooperative agreement may be obtained from Bureau of Land Management Offices at Portland, Salem, Eugene, Roseburg, Medford and Coos Bay, Oregon.

OSCAR L. CHAPMAN,
Under Secretary of the Interior

[F. R. Doc. 47-11218; Filed, Dec. 19, 1947; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6741, 8333]

DAYTIME SKYWAVE TRANSMISSIONS OF STANDARD BROADCAST STATIONS; CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

ORDER CONSOLIDATING PROCEEDINGS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 4th day of December 1947

The Commission having under consideration the matters of promulgation of rules and regulations and Standards of Good Engineering Practice concerning daytime skywave transmissions of standard broadcast stations, and Clear Channel Broadcasting in the Standard Broadcast Band; and

It appearing, that the problems involved in the hearing in Docket 8333 are also involved in Docket 6741, and

It further appearing, that the evidence in Docket No. 8333 has already been incorporated by reference in Docket 6741, and

It further appearing, that the Commission is of the opinion that good administrative practice would be furthered by consolidating for decision the two proceedings.

It is therefore ordered, That further proceedings in the matter of promulgation of rules and regulations and Standards of Good Engineering Practice concerning daytime skywave transmissions of standard broadcast stations (Docket No. 8333) and in the matter of Clear Channel Broadcasting in the Standard Broadcast Band (Docket No. 6741) be consolidated.

It is further ordered, That all parties in Docket 8333 may file briefs by January 5, 1948, and those parties who so file may participate in the oral argument scheduled for January 19, 1948, in Docket 6741, in the same manner and to the same extent as previously provided for in the case of parties in Docket 6741.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11166; Filed, Dec. 19, 1947; 8:49 a. m.]

[Docket Nos. 7575, 7722, 8491, 8492, 8561, 8562]

PANHANDLE BROADCASTING CORP. ET AL.

ORDER CONTINUED HEARING

In re applications of Panhandle Broadcasting Corporation, Amarillo, Texas, Docket No. 7575, File No. BP-4738; Jim Golding and Ben H. Guill, d/b as Voice of Amarillo, Amarillo, Texas, Docket No. 7722, File No. BP-4376; Southwestern Broadcasting Corporation (KOSA) Odessa, Texas, Docket No. 8491, File No. BP-6198; The Big Spring Herald Broadcasting Company (KBST) Big Spring, Texas, Docket No. 8492, File No. BP-6199; Forrest Weimhold, tr/as Herald Broadcasting Company, Levelland, Texas, Docket No. 8561, File No. BP-6237; W E. Whitmore (KWEW) Hobbs, New Mexico, Docket No. 8562, File No. BP-6364; for construction permits.

The Commission having under consideration a petition filed November 25, 1947, by Forrest Weimhold, tr/as Herald Broadcasting Company, Levelland, Texas, requesting an approximately two-week continuance of the hearing on the above-entitled applications which is scheduled to be held on December 3, 1947, at Washington, D. C.,

It appearing, that counsel for each of the parties to the said proceeding has agreed to a continuance of the said hearing for a reasonable length of time; and that January 14, 1948, is the earliest date acceptable to all parties and the Commission;

It is ordered, This 28th day of November 1947, that the petition be, and it is hereby, granted in part; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, January 14, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11170; Filed, Dec. 19, 1947; 8:49 a. m.]

[Docket Nos. 7924, 8144, 8667]

PIEDMONT BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Piedmont Broadcasting Company, Greenville, South Carolina, Docket No. 7924, File No. BP-5374; Harold H. Thoms, Spartanburg, South Carolina, Docket No. 8144, File No. BP-5779; Textile Broadcasting Company (WMRC) Greenville, South Carolina, Docket No. 8667, File No. BP-6432; for construction permits.

The Commission having under consideration a petition filed November 25, 1947, by Harold H. Thoms, Spartanburg, South Carolina, requesting a 60-day continuance of the hearing scheduled for December 4, 1947, at Washington, D. C., on the above-entitled application;

It is ordered, This 28th day of November 1947, that the petition be, and it is hereby, granted in part; and that the said hearings on the above-entitled application be, and it is hereby, continued to 10:00 a. m. Wednesday, January 7, 1948.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11167; Filed, Dec. 19, 1947; 8:49 a. m.]

[Docket Nos. 8025, 8258, 8369]

ALL-OKLAHOMA BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of All-Oklahoma Broadcasting Company, Tulsa, Oklahoma, Docket No. 8369, File No. BP-4797; Roy Hofheinz and W N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP-5820; Louis Leurig and F. F. McNaughton, d/b as Seminole Broadcasting Company, Wewoka, Oklahoma, Docket No. 8025, File No. BP-5270; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of November 1947;

The Commission having under consideration a joint and several petition filed November 10, 1947, by All-Oklahoma Broadcasting Company, Tulsa, Oklahoma, and Roy Hofheinz and W N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, requesting amendment and grant of their above-entitled applications for construction permits for new standard broadcast stations to operate on 740 kc., unlimited time, with power of 25 kw., 50 kw.-LS, DA-2, and 5 kw., 10 kw.-LS, DA-2, respectively and

Whereas, the Commission on March 20, 1947, and April 25, 1947, designated for hearing in a consolidated proceeding the aforesaid applications of All-Oklahoma Broadcasting Company (formerly West Central Broadcasting Company) and Roy Hofheinz and W N. Hooper, d/b as Texas Star Broadcasting Company, and the above-entitled application of Louis F Leurig and F. F McNaughton, d/b as Seminole Broadcasting Company, for a construction permit for a new standard broadcast station to operate on 720 kc., 250 w. power, daytime only, at Wewoka, Oklahoma, said hearing to be

held at Washington, D. C., commencing January 26, 1948; and

Whereas, the Commission, by the Motions Commissioner, on November 21, 1947, granted that part of the aforesaid joint and several petition requesting amendment of the said applications of All-Oklahoma Broadcasting Company and Roy Hofheinz and W N. Hooper, d/b as Texas Star Broadcasting Company, so as to make changes in their respective directional antenna patterns; and

It appearing, that although the aforesaid amendment accepted November 21, 1947, has resolved the problems of objectionable interference between the operations proposed by the three above-entitled applications, the Commission is unable, upon the basis of the information contained in said petition and in petitioners' applications, to make a determination of other matters in issue, and accordingly cannot decide whether a grant of the petitioners' applications would be in the public interest;

It is ordered, That said joint and several petition, insofar as it seeks a grant of the aforesaid applications of All-Oklahoma Broadcasting Company and Roy Hofheinz and W. N. Hooper d/b as Texas Star Broadcasting Company, be, and it is hereby denied; and

It is further ordered, That the Commission's orders of March 20, 1947, and April 25, 1947, designating for hearing in a consolidated proceeding the three above-entitled applications, be, and they are hereby amended, to dissolve the consolidated hearing and to delete all issues therein set forth; and

It is further ordered, That each of the three above-entitled applications be separately heard, at the time and place heretofore designated by the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners or of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That the following be included as an issue in the hearing on the application of All-Oklahoma Broadcasting Company:

7. To determine the overlap, if any, that will exist between the service areas of the proposed station of All-Oklahoma Broadcasting Company and of the recently-granted station at Muskogee, Oklahoma, whose permittee is Eastern Oklahoma Broadcasting Company, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11163; Filed, Dec. 19, 1947; 8:48 a. m.]

[Docket Nos. 8083, 8034, 8436]

CAPITOL BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re application of Capitol Broadcasting Company, Trenton, New Jersey, Docket No. 8083, File No. BP-4832; WSWZ, Incorporated, Trenton, New Jersey, Docket No. 8034 File No. BP-5590; Kenneth A. Croy, George S. Croy, James H. Croy, and Olive S. Croy, d/b as The Morristown Broadcasting Company, Morristown, New Jersey, Docket No. 8436, File No. BP-5841, for construction permits.

The Commission having under consideration a joint petition filed November 24, 1947, by Capitol Broadcasting Company, Trenton, New Jersey, and WSWZ, Incorporated, Trenton, New Jersey, requesting that the Commission continue the hearing now scheduled for December 11, 1947 at Washington, D. C., to January 8, 1948, on the above-entitled applications for construction permits.

It is ordered, This 5th day of December 1947, that the petition be, and it is hereby, granted; and that the said hearing be continued to 10 a. m. Thursday, January 8, 1948.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11174; Filed, Dec. 19, 1947; 8:50 a. m.]

[Docket No. 8117]

LIVE OAK BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of John A. Boling, d/b as Live Oak Broadcasting Company, Live Oak, Florida, Docket No. 8117, File No. BP-5254; for construction permit.

The Commission having under consideration a petition filed November 23, 1947, by John A. Boling, d/b as Live Oak Broadcasting Company, Live Oak, Florida, requesting an approximately 60-day continuance of the hearing presently scheduled for December 4, 1947, at Live Oak, Florida, on his above-entitled application for construction permit;

It is ordered, This 1st day of December, 1947, that the petition be, and it is hereby granted; that the said hearing on the above-entitled application of John A. Boling, d/b as Live Oak Broadcasting Company, Live Oak, Florida, be, and it is hereby, continued to 10:00 a. m., Wednesday, February 4, 1948; and

It is further ordered, On the Commission's own motion, that the place of hearing, be, and it is hereby, changed from Live Oak, Florida, to Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11171; Filed, Dec. 19, 1947; 8:49 a. m.]

[Docket No. 8167]

WOODWARD BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Woodward Broadcasting Company, Detroit, Michigan, Docket No. 8167, File No. BP-5327; for construction permit.

The Commission having under consideration a petition filed November 28, 1947, by Woodward Broadcasting Company, Detroit, Michigan, requesting an approximately 30-day continuance of the hearing on its above-entitled application for construction permit presently scheduled for December 10, 1947, at Washington, D. C.,

It is ordered, This 5th day of December 1947, that the petition be and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, March 10, 1948.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11173; Filed, Dec. 19, 1947; 8:50 a. m.]

[Docket No. 8302]

CHARLES WILBUR LAMAR, JR.

ORDER CONTINUING HEARING

In re application of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, Docket No. 8302, File No. BP-4913; for construction permit.

The Commission having under consideration a petition filed December 1, 1947 by Charles Wilbur Lamar, Jr., Morgan City, Louisiana, requesting that the hearing scheduled to be held on the above-entitled application on December 10, 1947, be continued for approximately 60 days;

It is ordered, This 5th day of December 1947, that the petition be, and it is hereby, granted; and that the said hearings on

the above-entitled application of Charles Wilbur Lamar, Jr., be, and it is hereby continued at 10:00 a. m., Tuesday, February 10, 1948.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11168; Filed, Dec. 19, 1947; 8:49 a. m.]

[Docket Nos. 8344, 8402, 8403]

FOSS LAUNCH AND TUG CO. ET AL.

ORDER CONTINUING HEARING

In the matter of Foss Launch and Tug Company, Seattle, Washington, File No. 709/710-PE-B, Docket No. 8344; Meseck Towing Lines, Inc., New York, New York, File No. 7662/7663-PE-B, Docket No. 8402; Moran Towing & Transportation Company, New York, New York, File No. 9730/9731-PE-B, Docket No. 8403; for construction permits in the experimental service.

The Commission having under consideration the consolidated hearing in the above-entitled matter scheduled for December 15, 1947, and in that connection having before it a petition dated December 8, 1947 by Foss Launch and Tug Company and Moran Towing & Transportation Company, requesting continuance of said hearing to a date not sooner than April 1, 1948; and

It appearing, that all parties and intervenors presently on record have consented to an immediate consideration and disposition of the said petition and have expressed no objection to the requested continuance;

It is ordered, This 10th day of December 1947, that the instant petition be granted and that the consolidated hearing in the above-entitled matter be continued until April 5, 1948, at 10:00 a. m.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F R. Doc. 47-11172; Filed, Dec. 19, 1947; 8:50 a. m.]

[Docket Nos. 8371, 8450, 8681]

COMMUNITY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Leslie C. Smith, B. G. Moffett and J. H. Mayberry, a partnership d/b as Community Broadcasting Company, Corpus Christi, Texas, Docket No. 8681, File No. BP-6306; Weldon Lawson, Sequin, Texas, Docket No. 8450, File No. BP-4991, H. Miller Ainsworth, A. G. Ainsworth, J. Edward Johnson and Ross Bohannon, a partnership d/b as Tri-County Broadcasting Company, Luling, Texas, Docket No. 8371, File No. BP-5636, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 4th day of December 1947;

The Commission having under consideration the above-entitled application of Leslie C. Smith, B. G. Moffett and J. H. Mayberry, a partnership d/b as Community Broadcasting Company requesting a construction permit for a new standard broadcast station to operate on the frequency 1400 kc. with 100 w power, unlimited time, in Corpus Christi, Texas; and

It appearing, that the Commission on July 3, 1947, designated for hearing the application of H. Miller Ainsworth, A. G. Ainsworth, J. Edward Johnson and Ross Bohannon, a partnership doing business as the Tri-County Broadcasting Company (File No. BP-5636, Docket No. 8371) requesting a construction permit for a new standard broadcast station to operate on the frequency 1420 kc, with 1 kw power, employing a directional antenna at night, unlimited time, in Luling, Texas; and on July 3, 1947, designated for hearing therewith in a consolidated proceeding the application of Welden Lawson (File No. BP-4991, Docket No. 8450) requesting a construction permit for a new standard broadcast station to operate on the frequency 1400 kc, with 250 w power, unlimited time, in Sequin, Texas, which is contingent upon a grant of the application of Mission Broadcasting Company (File No. BP-4329; Docket No. 8072) for a change in frequency and power of Station KONO, San Antonio, Texas; said hearing having been scheduled to commence on March 22, 1948, at Washington, D. C.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Leslie C. Smith, et al., be, and it is hereby, designated for hearing in the above consolidated proceeding, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations KONO, San Antonio, Texas, and XEAM, Matamoros, Mexico, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in other applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of station KBKI at Alice, Texas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders of April 30, 1947, and July 3, 1947, designating the said applications of H. Miller Ainsworth et al., and Weldon Lawson, for hearing be, and they are hereby, amended to include the said application of Leslie C. Smith, et al., and to change the appropriate wording of issue No. 7 therein to read "if any"; and

It is further ordered, That Eugene J. Roth tr/as the Mission Broadcasting Company, licensee of Station KONO, San Antonio, Texas, be, and it is, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11162; Filed, Dec. 19, 1947; 8:48 a. m.]

[Docket Nos. 8408, 8583, 8656, 8670]

N-K BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re application of Nicholas William Kuris and Steven Claud Garcia, a partnership d/b as N-K Broadcasting Company, Muskegon, Michigan, Docket No. 8408, File No. BP-6071; Western Michigan Radio Corporation, Muskegon, Michigan, Docket No. 8583, File No. BP-6369; Grand Haven Broadcasting Corporation, Grand Haven, Michigan, Docket No. 8656, File No. BP-6441, Greater Muskegon Broadcasters, Inc. (WMUS), Muskegon, Michigan, Docket No. 8670, File No. BP-6445; for construction permits.

The Commission having under consideration a petition filed December 8, 1947, by Nicholas William Kuris and Steven Claud Garcia, a partnership d/b as N-K Broadcasting Company, Muskegon, Michigan, requesting that the Commission continue the consolidated hearing on the above-entitled applications now scheduled to commence on December 11, 1947, at Muskegon, Michigan, to January 19, 1948, at Muskegon, Michigan;

It is ordered, This 8th day of December 1947, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m. Monday, January 19, 1948, at Muskegon, Michigan.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11169; Filed, Dec. 19, 1947; 8:49 a. m.]

[Docket Nos. 8503, 8563]

JOURNAL-REVIEW AND CRAWFORDSVILLE BROADCASTING ASSN.

ORDER ENLARGING ISSUES

In re applications of H. Foster Fudge, Gladys C. Fudge, W. Addington Vance and Martha F Vance d/b as Journal-Review, Crawfordsville, Indiana, Docket No. 8563, File No. BP-6329; O. E. Richardson, J. Gibbs Spring, Curtis S. Horn and Thomas W Morley, d/b as Crawfordsville Broadcasting Association, Crawfordsville, Indiana, Docket No. 8503, File No. BP-6037; for construction permits.

The Commission having under consideration a petition filed November 25, 1947, by H. Foster Fudge, Gladys C. Fudge, W. Addington Vance and Martha F. Vance, d/b as Journal-Review, Crawfordsville, Indiana, requesting a continuance of the hearing now scheduled for December 18, 1947 on the above-entitled applications for construction permits, to some date after January 8, 1948; and further requesting that the issues in the said hearing be enlarged to include the following issue:

To determine the overlap, if any, that will exist between the service areas of Station WASK, Lafayette, Indiana, and of the proposed station as requested by O. E. Richardson, J. Gibbs Spring, Curtis S. Horn and Thomas W. Morley, d/b as Crawfordsville Broadcasting Association, Crawfordsville, Indiana, the nature and extent thereof and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules;

It is ordered, This 5th day of December, 1947 that the petition be, and it is hereby, granted: and that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Tuesday, January 13, 1948 at Crawfordsville, Indiana; and

It is further ordered, That the issues designated for hearing in the proceeding on the above-entitled applications be, and they are hereby, enlarged to include the following issue:

To determine the overlap, if any, that will exist between the service areas of Station WASK, Lafayette, Indiana, and of the proposed station as requested by O. E. Richardson, J. Gibbs Spring, Curtis S. Horn and Thomas W Morley, d/b as Crawfordsville Broadcasting Association, Crawfordsville, Indiana, the nature and extent thereof and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11165; Filed, Dec. 19, 1947; 8:49 a. m.]

[Docket Nos. 8620-8626]

EMPIRE COIL CO., INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Empire Coil Co., Inc., Avon, Connecticut, Docket No. 8620, File No. BPCT-191; The Travelers Broadcasting Service Corporation, Hartford, Connecticut, Docket No. 8621, File No. BPCT-193; The Connecticut Broadcasting Co., Hartford, Connecticut, Docket No. 8622, File No. BPCT-195; The Yankee Network, Inc., Hartford, Connecticut, Docket No. 8623, File No. BPCT-198; The Fairfield Broadcasting Co., Waterbury, Connecticut, Docket No. 8624, File No. BPCT-204; The New Britain Broadcasting Co., Hartford, Connecticut, Docket No. 8625, File No. BPCT-208; Harold Thomas, Waterbury, Connecticut, Docket No. 8626, File No. BPCT-211; for construction permits for commercial television stations.

Whereas, the Commission on November 6, 1947, designated for hearing in a consolidated proceeding the above-entitled applications for construction permits, at a time and place to be designative duties of such employees;

It is ordered, This 5th day of December 1947, that the said consolidated hearing be, and it is hereby, scheduled to commence on January 19, 1948, at Hartford, Connecticut.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11164; Filed Dec. 19, 1947; 8:48 a. m.]

[Docket Nos. 8668, 8669]

WHAS, INC. AND WAVE, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WHAS, Inc., Louisville, Kentucky, Docket No. 8668, File No. BMPCT-123; for modification of construction permit. WAVE, Inc., Louisville, Kentucky, Docket No. 8669, File No. BPCT-213; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of December 1947;

The Commission having under consideration the above application of WHAS, Inc. (File No. BMPCT-123) for modification of construction permit for a television station at Louisville, Kentucky, i. e., to change television channel from No. 9 to No. 5, and also having under consideration the above conflicting application of WAVE, Inc. (File No. BPCT-213) which requests a construction permit for a television station at Louisville, Kentucky, to also operate on Channel No. 5;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are hereby designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine whether the power and antenna height proposed by the applicant WHAS, Inc. (File No. BMPCT-123) is consistent with the Commission's rules and regulations governing television broadcast stations.

5. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-11163; Filed, Dec. 19, 1947; 8:48 a. m.]

[Docket Nos. 8679, 8680]

LOUIS G. BALTIMORE AND WYOMING VALLEY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louis G. Baltimore, Wilkes-Barre, Pennsylvania, Docket No. 8679, File No. BPCT-134; Wyoming Valley Broadcasting Co., Wilkes-Barre, Pennsylvania, Docket No. 8680, File No. BPCT-231, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of December 1947;

The Commission having under consideration the petition filed by Louis G. Baltimore seeking (1) reinstatement and grant of his application (File No. BPCT-134) for a construction permit for a television broadcast station at Wilkes-Barre, Pennsylvania, and (2) leave to amend his application to specify Channel No. 11 for the proposed station in lieu of Channel No. 3, and to change paragraphs 12 (a) 12 (c) 12 (d) and 12 (e) of said application with respect to cost of proposed station and financial resources of applicant;

The Commission also having under consideration the application of the Wyoming Valley Broadcasting Co. (File No. BPCT-231) for a construction permit for a television station at Wilkes-Barre to operate on Channel No. 11, and

It appearing, that the above-entitled applications of Louis G. Baltimore and Wyoming Valley Broadcasting Co. are mutually exclusive because of destructive interference due to the fact that each applicant requests the same channel for rendering television broadcast service to the Wilkes-Barre area;

It is ordered, That the petition of Louis G. Baltimore be and is granted in so far as it requests reinstatement of application, File No. BPCT-134, and amendments thereto;

It is further ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11161; Filed, Dec. 19, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6101]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER APPROVING AND AUTHORIZING ISSUANCE OF SECURITIES

DECEMBER 16, 1947.

Notice is hereby given that, on December 16, 1947, the Federal Power Commission issued its order entered December 16, 1947, approving and authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-11147; Filed, Dec. 19, 1947; 8:46 a. m.]

[Docket No. IT-5568]

PENNSYLVANIA EDISON CO.

NOTICE OF ORDER TERMINATING ORDER TO SHOW CAUSE

DECEMBER 16, 1947.

Notice is hereby given that, on December 16, 1947, the Federal Power Commission issued its order entered December 11, 1947, in the above-designated matter, terminating the order entered July 14, 1939, requiring Pennsylvania Edison Company to show cause why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and order of May 11, 1937, pertaining thereto.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 47-11144; Filed, Dec. 19, 1947; 8:46 a. m.]

[Docket Nos. IT-5609, 5613-5617, 5621, 5622, 5624, 5626, 5631, 5633]

APPALACHIAN ELECTRIC POWER CO. ET AL.

NOTICE OF ORDER TERMINATING ORDERS TO SHOW CAUSE

DECEMBER 16, 1947.

In the matters of Appalachian Electric Power Company, Docket No. IT-5613; Atlantic City Electric Company, Docket No. IT-5614; Indiana General Service Company, Docket No. IT-5615; Indiana & Michigan Electric Company, Docket No. IT-5616; Interstate Power Company (Del.) Docket No. IT-5621; Interstate Power Company of Nebraska, Docket No. IT-5622; Georgia Power and Light Company, Docket No. IT-5626; Pennsylvania Electric Company, Docket No. IT-5631, Kansas Gas and Electric Company, Docket No. IT-5609; Missouri Electric Power Company, Docket No. IT-5624; The Ohio Power Company, Docket No. IT-5617; Tide Water Power Company, Docket No. IT-5633.

Notice is hereby given that, on December 16, 1947, the Federal Power Commission issued its order entered December 11, 1947, in the above-designated matters, terminating the orders requiring Appalachian Electric Power Company et al. to show cause why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and order of May 11, 1937, pertaining thereto.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-11146; Filed, Dec. 19, 1947; 8:46 a. m.]

[Docket No. IT-5686]

UTAH POWER AND LIGHT CO.

NOTICE OF ORDER TERMINATING ORDER TO SHOW CAUSE

DECEMBER 16, 1947.

Notice is hereby given that, on December 16, 1947, the Federal Power Commission ssued its order entered December 11, 1947, in the above-designated matter, terminating order entered Aprl 1, 1941, requiring the Utah Power and Light Company to show cause why it should not produce various books and other records pertaining to the original cost of construction of properties acquired by said company or its predecessors.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-11145; Filed, Dec 19, 1947; 8:46 a. m.]

[Docket No. IT-5799]

CHARLES A. SWANSON

NOTICE OF ORDER TERMINATING AUTHORIZATION FOR EXPORTATION OF ELECTRIC ENERGY TO CANADA AND CANCELLING PRESIDENTIAL PERMIT

DECEMBER 17, 1947.

Notice is hereby given that, on December 16, 1947, the Federal Power Commission issued its order entered December 16, 1947, terminating authorization for exportation of electric energy to Canada and cancelling Presidential Permit in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-11207; Filed, Dec. 19, 1947; 8:52 a. m.]

[Docket No. IT-5893]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF ORDER TERMINATING AUTHORIZATION FOR EXPORTATION OF ELECTRIC ENERGY TO CANADA AND CANCELLING PRESIDENTIAL PERMIT

DECEMBER 17, 1947.

Notice is hereby given that, on December 16, 1947, the Federal Power Commission issued its order entered December 16, 1947, terminating authorization for exportation of electric energy to Canada and cancelling Presidential Permit in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-11206; Filed, Dec. 19, 1947; 8:52 a. m.]

[Project No. 67]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (MAJOR)

DECEMBER 17, 1947.

Notice is hereby given that, on December 17, 1947, the Federal Power Commission issued its order entered December 16, 1947, authorizing amendment of license (Major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-11205; Filed, Dec. 19, 1947; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 163]

INCREASED EXPRESS RATES AND CHARGES, 1946

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 16th day of December 1947.

It appearing, that by its report on further hearing (mimeographed) and order entered on September 23, 1947, the Commission found that the less-than-carload express rates and charges, proposed by the Railway Express Agency, Inc., in its supplemental petition dated March 10, 1947, were just and reasonable for temporary application for a period of one year, or until its further order, subject to further studies being undertaken by petitioner to determine the effect on its traffic and revenues of the rates and charges proposed, and of rates under a single nation-wide scale as may be formulated, the results of these studies and the scale to be submitted on or before July 1, 1948; which said report, together with the report and orders heretofore made in this proceeding, are hereby referred to and made a part hereof.

It further appearing, that a second supplemental petition dated November 25, 1947 has been filed by the said Railway Express Agency, Inc., proposing a further increase of 10 percent in the following express rates and charges:

(a) First class rates and charges. Second class rates and charges to be 75 percent of first class.
(b) Third class rates.
(c) Commodity rates and charges, carload and less-carload.
(d) Rates and charges stated in the Money Classification.
(e) Refrigeration charges.
(f) C. o. d. Service charges.
(g) All specific minimum charges.

It further appearing, that since the close of the hearings covered by the said report and order of September 23, 1947 the wages of express employees have been increased by awards made by arbitration and emergency boards under the Railway Labor Act; and that these increases, together with equalizing increases to certain other employees and increases in retirement benefit and unemployment insurance taxes, will increase petitioner's costs on an annual basis by $31,400,000 over those considered in the report of September 23, 1947.

It is ordered, That the said Railway Express Agency, Inc., be, and it is hereby, authorized to publish and file with the Commission on statutory notice, by a short form of publication, an increase of 10 percent in the first-class rates and charges authorized by said report and order of September 23, 1947, and second-class rates and charges made 75 percent of such increased first-class rates and charges. Publication of the increases by a short form method will be authorized by special permission upon appropriate application.

It is further ordered, That in authorizing the said increases, the Commission makes no finding as to the reasonableness of, nor approves, the proposed increased rates which are subject to protest and possible suspension.

It is further ordered, That this proceeding be, and it is hereby, assigned for further investigation and hearing with respect to the proposed increase in rates and charges other than the first and second class rates and charges, at such times and places to be fixed by the Commission.

And it is further ordered, That notice of this proceeding be served on all parties of record, and that notice to the general public be given by posting a copy of this order in the office of the Secretary of the Commission, in Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-11189; Filed, Dec. 19, 1947; 8:51 a. m.]

[S. O. 396, Corr. Special Permit 381]

RECONSIGNMENT OF ORANGES AT NEW YORK, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Harlem River, New York, December 10, 1947, by Atlantic Comm. Co., of car PFE 40261, oranges, to Atlantic Comm. Co., Springfield, Mass. (NH).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of December, 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-11190; Filed, Dec. 19, 1947; 8:51 a. m.]

[S. O. 396, Special Permit 332]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., December 11, 1947, by W. W. Newcomb, of car PFE 40911, potatoes, now on the Union Pacific Railroad to Dallas, Texas.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of December 1947.

HOMER C. KING,
Director.
Bureau of Service.

[F. R. Doc. 47-11191; Filed, Dec. 19, 1947; 8:59 a. m.]

[S. O. 396, Special Permit 333]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., December 11, 1947, by National Produce Co., of Car ART 16352, potatoes, now on the C&NW Wood St. to Streator, Ill.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of December 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-11192; Filed, Dec. 19, 1947; 8:59 a. m.]

[S. O. 396, Special Permit 334]

RECONSIGNMENT OF CELERY AT ST. PAUL, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Paul, Minn., December 12, 1947, by E and L Fruit & Produce, of car PFE 6007, celery, now on the CRIP to E and L Fruit & Produce Distributors, Chicago, Ill.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of December 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-11193; Filed, Dec. 19, 1947; 8:59 a. m.]

[S. O. 396, Special Permit 335]

RECONSIGNMENT OF CABBAGE AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10

F R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., December 12, 1947, by Piowaty Bergart Co., of car SFRD 31122, cabbage, now on the Union Pacific to Piowaty Bergert Co., Chicago, Ill., Wab. (CPT)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of December 1947.

HOMER C. KING,
Director
Bureau of Service.

[F R. Doc. 47-11194; Filed, Dec. 19, 1947; 8:59 a. m.]

[S. O. 396, Special Permit 386]

RECONSIGNMENT OF CABBAGE AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., December 12, 1947, by Justman Frankenthal, of car PFE 50196, cabbage, now on the Missouri Pacific to J. M. Elliott Co., Baltimore, Md. (PRR)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of December 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-11195; Filed, Dec. 19, 1947; 8:59 a. m.]

[S. O. 396, Special Permit 387]

RECONSIGNMENT OF CAR AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., December 15, 1947, by Raymond Bros., of car PFE45372, now on the Union Pacific to Granada Packing Co., Syracuse, N. Y. (NYC)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of December 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-11196; Filed, Dec. 19, 1947; 8:59 a. m.]

[S. O. 396, Special Permit 388]

RECONSIGNMENT OF CELERY AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., December 15, 1947, by Ritter Lown Co., of car MDT 6282, celery, now on the Santa Fe to Ritter Lown Co., St. Louis, Mo. (Santa Fe)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of December 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-11197; Filed, Dec. 19, 1947; 9:00 a. m.]

[S. O. 396, Special Permit 389]

RECONSIGNMENT OF CITRUS AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., December 12, 1947, by Burkhart Fruit Co., of car NWL 70448, citrus, now on the Missouri Pacific to Burkhart Fruit Co., Chicago, Ill. (Wabash)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of December 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F R. Doc. 47-11198; Filed, Dec. 19, 1947; 9:00 a. m.]

[S. O. 790, Amdt. 4 to Corr. Special Directive 1]

PENNSYLVANIA RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 1 (12 F R. 8280) under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 1, be, and it is hereby amended by changing Appendix A of Amendment No. 1 as follows:

Eliminate:	*Cars per day*
Healy	3
Smith No. 1 and 2	1

A copy of this amendment shall be served upon The Pennsylvania Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 15th day of December A. D. 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-11199; Filed, Dec. 19, 1947; 9:00 a. m.]

[S. O. 790, Special Directive 2A]

BALTIMORE AND OHIO RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Service Order No. 790 (12 F R.

7911) and good cause appearing therefor:

It is ordered, That Special Directive No. 2 under Service Order No. 790, be, and it is hereby vacated effective 12:01 a. m., December 12, 1947.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 12th day of December A. D. 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-11200; Filed, Dec. 19, 1947; 9:00 a. m.]

[S. O. 790, Amdt. 2 to Special Directive 7]

MONTOUR RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 7 (12 F R. 7952) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 7, be, and it is hereby amended by substituting paragraph 1 hereof for paragraph 1 thereof.

(1) To furnish to the mines listed below cars for the loading of Pennsylvania Railroad fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

Mine	Cars	
	Per day	Per week
Grant 2 (Boggs-Sunnyhill)		2
Imperial (Sunnyhill)	4	
Rider 3 and 4 (Aloe)	9	
Russell Nos. 1 and 2	7	

A copy of this amendment shall be served upon The Montour Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 15th day of December A. D. 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-11201; Filed, Dec. 19, 1947; 9:00 a. m.]

[S. O. 790, Special Directive 8A]

NEW HAVEN & DUNBAR RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 8 (12 F. R. 7952) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 8, be, and it is hereby vacated effective 12:01 a. m., December 15, 1947.

A copy of this directive shall be served upon the New Haven & Dunbar Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 15th day of December A. D. 1947.

HOMER C. KING,
Director
Bureau of Service.

[F R. Doc. 47-11202; Filed, Dec. 19, 1947; 9:00 a. m.]

[S. O. 790, Amdt. 2 to Special Directive 25]

BALTIMORE AND OHIO RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 25 (12 F. R. 8080) under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 25, be, and it is hereby amended by adding to Paragraph 1 the following:

Mine:	Cars per day
Haywood	1
Lawbar	1

A copy of this amendment shall be served upon The Baltimore and Ohio Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 15th day of December A. D. 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-11203; Filed, Dec. 19, 1947; 9:00 a. m.]

[S. O. 790, Amdt. 3 to Special Directive 25]

BALTIMORE AND OHIO RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 25 (12 F. R. 8080) under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 25, be, and it is hereby amended by substituting paragraph 1 hereof for paragraph 1 thereof:

(1) To furnish daily to the mines listed below cars for the loading of The Central Railroad Company of New Jersey fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

Mine	Cars per day
Cliff	2
Keeley	1
Henshaw	2
Riley	2
Lit: Hill	1
Roberts	1
Dola	1
Penn Dola No. 1	3
Milford	
Renwick	

A copy of this amendment shall be served upon The Baltimore and Ohio Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 12th day of December A. D. 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-11204; Filed, Dec. 19, 1947; 9:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1019]

SOUTHERN PACIFIC CO.

ORDER DETERMINING COMMON STOCK TO BE EQUIVALENT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 10th day of December A. D. 1947.

The Boston Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the common stock, no par value, of Southern Pacific Company, a Delaware corporation, is substantially equivalent to the common stock, no par value, of Southern Pacific Company, a Kentucky corporation, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the common stock, no par value, of Southern Pacific Company, a Delaware corporation, is hereby determined to be substantially equivalent to the common stock, no par value, of Southern Pacific Company, a Kentucky corporation, heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-11154; Filed, Dec. 19, 1947; 8:47 a. m.]

[File No. 7-1020]

SOUTHERN PACIFIC CO.

ORDER DETERMINING COMMON STOCK TO BE EQUIVALENT

At a regular session of the Securities and Exchange Commision, held at its office in the city of Philadelphia, Pa., on the 16th day of December A. D. 1947.

The Detroit Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the common stock, no par value, of Southern Pacific Company, a Delaware corporation, is substantially equivalent to the common stock, no par value, of Southern Pacific Company, a Kentucky corporation, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the common stock, no par value, of Southern Pacific Company, a Delaware corporation, is hereby determined to be substantially equivalent to the common stock, no par value, of Southern Pacific Company, a Kentucky corporation, heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 47-11151; Filed, Dec. 19, 1947; 8:47 a. m.]

[File No. 7-1021]

SOUTHERN PACIFIC CO.

ORDER DETERMINING COMMON STOCK TO BE EQUIVALENT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 16th day of December A. D. 1947.

The Pittsburgh Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the common stock, no par value, of Southern Pacific Company, a Delaware corporation, is substantially equivalent to the common stock, no par value, of Southern Pacific Company, a Kentucky corporation, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the common stock, no par value, of Southern Pacific Company, a Delaware corporation, is hereby determined to be substantially equivalent to the common stock, no par value, of Southern Pacific Company, a Kentucky corporation, heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-11152; Filed, Dec. 19, 1947; 8:47 a. m.]

[File No. 7-1022]

SOUTHERN PACIFIC CO.

ORDER DETERMINING COMMON STOCK TO BE EQUIVALENT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 16th day of December A. D. 1947.

The Philadelphia Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the common stock, no par value, of Southern Pacific Company, a Delaware corporation, is substantially equivalent to the common stock, no par value, of Southern Pacific Company, a Kentucky corporation, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the common stock, no par value, of Southern Pacific Company, a Delaware corporation, is hereby determined to be substantially equivalent to the common stock, no par value, of Southern Pacific Company, a Kentucky corporation, heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-11153; Filed, Dec. 19, 1947; 8:47 a. m.]

[File No. 70-1677]

GENERAL PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pennsylvania, on the 15th day of December 1947.

General Public Utilities Corporation, a registered holding company, having filed a declaration, as amended, pursuant to sections 6, 7 and 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder with respect to the following transaction:

GPU proposes from time to time, prior to March 31, 1948, to transfer cash funds in an aggregate amount of $1,100,000 to its subsidiary, Rochester Gas and Electric Corporation ("Rochester") which company will employ such funds for construction requirements. Rochester will initially credit the funds received from GPU to a deferred credit account. In the event that Rochester consummates certain financing (with respect to which legal proceedings are now pending in the courts of New York) wherein, among other things, Rochester proposes to issue additional shares of new common stock to GPU, such transferred funds will be applied in part payment for the new common stock. In the event Rochester does not issue additional shares of new common stock in connection with such financing, such funds will constitute unrestricted capital contributions.

GPU also proposes to extend the time of payment for one year from April 3, 1948 of 80% of the principal amount of its Series B notes then outstanding. As at November 13, 1947, the aggregate principal amount of such Series B notes was $960,000.

Such declaration, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, as amended, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, and deeming it appropriate to grant a request of declarant that there be no waiting period between the issuance of the Commission's order and the date the order is to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-11156; Filed, Dec. 19, 1947; 8:47 a. m.]

[File No. 70-1691]

NIAGARA HUDSON POWER CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pennsylvania, on the 15th day of December 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Niagara Hudson Power Corporation ("Niagara Hudson") a holding company and a subsidiary of The United Corporation, a registered holding company, and

Buffalo Niagara Electric Corporation ("Buffalo Niagara"), a public utility company and a subsidiary of Niagara Hudson.

Notice is further given that any interested person may, not later than December 22, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after December 22, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to such application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Niagara Hudson proposes to purchase seven (7) additional shares of the common stock, without par value (presently represented by outstanding scrip certificates) of Buffalo Niagara, a subsidiary public utility operating company. The purchase price agreed upon by Niagara Hudson and Buffalo Niagara is $50 per share.

This Commission by order dated October 4, 1945 (Holding Company Act Release No. 6108) approved amended plans of Niagara Hudson and Buffalo, Niagara and Eastern Power Corporation, its subsidiary, relating to the reorganization of the latter company. As a result of such reorganization, Buffalo Niagara was formed on November 1, 1945 and caused to be issued 3,000,000 shares of its common stock without par value, represented by 2,999,993 full shares and fractional scrip certificates for seven shares.

Niagara Hudson duly acquired the 2,999,993 full shares of Buffalo Niagara stock on November 1, 1945 and, in addition, now owns fractional scrip certificates for two and three-quarters shares of such common stock.

After due diligence, Buffalo Niagara has been unable to locate the remaining fractional certificates for four and one-quarter shares of its common stock.

In accordance with the provisions of its Certificate of Consolidation, filed November 1, 1945 in the office of the Department of State of the State of New York, the Board of Directors of Buffalo Niagara has set November 1, 1947 as the date after which the holders of such fractional scrip certificates shall no longer be entitled, upon the surrender of fractional scrip certificates aggregating one or more full shares, to receive a certificate or certificates representing such full shares. The Certificate of Consolidation further provides that after November 1, 1947, the shares of stock represented by outstanding scrip certificates shall be sold and the proceeds thereof held without accountability for interest for the account of the holders of the scrip certificates until a date fixed by the Board of Directors which shall be not more than two years after the date of sale.

It is stated that the purchase price of $50 per share does not represent an attempt precisely to fix a market value for a share of the common stock of Buffalo Niagara, but does reflect an attempt fairly to compensate any public holders of said scrip certificates should any of such certificates subsequently be surrendered for payment.

By order dated November 19, 1947, the Public Service Commission of the State of New York authorized Niagara Hudson to acquire the above-mentioned seven shares of common stock of Buffalo Niagara.

Niagara Hudson requests that the Commission take action upon this application as soon as possible.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-11157; Filed, Dec. 19, 1947; 8:47 a. m.]

[File No. 812-524]

TOBACCO AND ALLIED STOCKS, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 16th day of December A. D. 1947.

Notice is hereby given that Tobacco and Allied Stocks, Inc., an investment company registered under the Investment Company Act of 1940, has filed an application pursuant to Rule N-17D-1 of the rules and regulations promulgated under the act regarding a bonus plan to be adopted providing for the payment of $1,000 and $500 respectively to two employees for services rendered in 1947.

All interested persons are referred to said application which is on file at the Philadelphia, Pennsylvania office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after December 29, 1947 unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 26, 1947 at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-11158; Filed, Dec. 19, 1947; 8:48 a. m.]

[File No. 812-525]

BENSON AND HEDGES AND TOBACCO AND ALLIED STOCKS, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 16th day of December A. D. 1947.

Notice is hereby given that Benson and Hedges, a New York corporation, which is controlled by Tobacco and Allied Stocks, Inc., an investment company registered under the Investment Company Act of 1940, has filed an application pursuant to Rule N-17D-1 of the rules and regulations promulgated under the act regarding a bonus plan to be adopted providing for the payment of $11,200 to office and factory employees of the applicant and $400 for a bonus to an assistant secretary of the applicant.

All interested persons are referred to said application which is on file at the Philadelphia, Pennsylvania office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after December 29, 1947 unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 26, 1947 at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-11155; Filed, Dec. 19, 1947; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Dissolution Order 70]

ROENTGEN SUPPLIES, INC., AND ADLANCO X-RAY CORP.

Whereas, by Vesting Order No. 28, dated June 18, 1942 (7 F. R. 4632, June 23, 1942), there were vested all the issued and outstanding shares of the capital stock of Adlanco X-Ray Corporation, a New York corporation and by Vesting Order No. 102, dated August 11, 1942 (7 F R. 7153, September 10, 1942), there were vested all the issued and outstanding shares of the capital stock of Roentgen Supplies, Inc., a New York corporation; and

Whereas, by Vesting Order No. 425, dated December 1, 1942 (7. F R. 10633, December 19, 1942) there were vested a certain claim against Adlanco X-Ray Corporation in the amount of $30,482.80 owned by Siemens-Reiniger-Werke, A. G., Berlin, Germany, and a certain claim against Adlanco X-Ray Corporation in the amount of $6,000, owned by Siemens Elektrizitate Erzengnisse, A. G., Zurich, Switzerland; and

Whereas, by Vesting Order No. 1786, dated July 12, 1943 (8 F. R. 10041, July 20, 1943) there was vested a certain claim against Adlanco X-Ray Corporation in the amount of $20,033.75 owned by General Radiological, Ltd. of London, England; and

Whereas, by Subordination Order No. 4, dated July 31, 1943 (8 F R. 10943, August 6, 1943) Roentgen Supplies, Inc. and its officers were directed to subordinate the claim of Adlanco X-Ray Corporation in the amount of $41,175.75 to the claims of other creditors of, and claimants against Roentgen Supplies, Inc., and Adlanco X-Ray Corporation and its officers were directed to subordinate the claim of Roentgen Supplies, Inc. in the amount of $1,028.85 and the above-mentioned vested claims against Adlanco X-Ray Corporation to the claims of other creditors of, and claimants against Adlanco X-Ray Corporation; and

Whereas, Roentgen Supplies, Inc. and Adlanco X-Ray Corporation have been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of known creditors of Roentgen Supplies, Inc. and Adlanco X-Ray Corporation have been paid, except such claims, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of these corporations; except the claims against Adlanco X-Ray Corporation formerly owned by Siemens-Reiniger-Werke, A. G., Siemens Elektrizitate Erzengnisse, A. G. and General Radiological, Ltd. which have been vested and subordinated as aforesaid; except the claim of Adlanco X-Ray Corporation against Roentgen Supplies, Inc. in the amount of $40,148.90 (after set off of the subordinated claim of Roentgen Supplies, Inc. against Adlanco X-Ray Corporation in the amount of $1,028.85) which has been subordinated as aforesaid; and except accounts payable by Adlanco X-Ray Corporation to foreign nationals as follows:

Siemens, S. A. Ltd., Netherlands Bank Bldg., Johannesburg, South Africa	$98.00
H. von Heymann & Co. (address unknown but believed to be Germany)	41.50
Comunetti Hnos, 851 Balcarce, Rosario, Argentina	447.75
Consolidated X-Ray Supplies Co., Ltd., Dominion Sq. Bldg., Montreal, Canada	101.22

and

2. Having determined that it is in the national interest of the United States that both corporations be dissolved, and that the assets of both corporations be distributed and a Certificate of Dissolution for each corporation having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of Roentgen Supplies, Inc. (to wit, M. S. Watts, President and Director, Stanley B. Reid, Secretary and Director, and F J. Carmody, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of Roentgen Supplies, Inc., and further orders, that the said officers and directors wind up the affairs of the said corporation, Roentgen Supplies, Inc., and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to Adlanco X-Ray Corporation all of the funds and property, if any, remaining in their hands after the payments as aforesaid, to be applied on the subordinated claim of Adlanco X-Ray Corporation against Roentgen Supplies, Inc. in the amount of $40,148.90 described above; and

further orders, that the officers and directors of Adlanco X-Ray Corporation (to wit, M. S. Watts, President and Director, Stanley B. Reid, Secretary and Director, and F J. Carmody, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of Adlanco X-Ray Corporation; and further orders, that the said officers and directors wind up the affairs of the said corporation, Adlanco X-Ray Corporation, and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay each of the above mentioned accounts payable to foreign nationals which shall not have been previously vested by the Attorney General of the United States into separate accounts to be maintained by the Comptroller's Branch, Office of Alien Property, Department of Justice, each of said accounts to be entitled substantially as follows:

Attorney General of the United States, account of (name of account) in the case of Adlanco X-Ray Corporation, Vesting Orders 28, 425 and 1786.

Such payment shall not transfer title to such accounts to the Attorney General but such accounts shall be subject to his authorization. Payment into said accounts as herein directed to the Comptroller's Branch, Office of Alien Property, Department of Justice, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligations of Adlanco X-Ray Corporation.

(d) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of the vested claims against the corporation described above, second, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against Roentgen Supplies, Inc. or Adlanco X-Ray Corporation to file such claim with the Attorney General of the United States against the funds or property of such corporation received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further* That any such claim against either corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Roentgen Supplies, Inc. and the said officers and directors of Adlanco X-Ray Corporation pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein; and further orders, that to the extent that the provisions of this order are inconsistent with the provisions of Subordination Order No. 4 exe-

cuted July 31, 1943, the provisions of this order shall govern.

Executed at Washington, D. C., this 16th day of December 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-11230; Filed, Dec. 19, 1947; 8:49 a. m.]

[Bar Order 3]

SHIZU ASAMI

ORDER FIXING BAR DATE FOR FILING CLAIMS IN RESPECT OF CERTAIN DEBTORS

In accordance with section 34 (b) of the Trading with the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order 9788, February 25, 1948 is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Washington, D. C., this 16th day of December 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

APPENDIX A

Name of debtor	Last known address	Vesting order No.
1. Asami, Shizu	Japan	3857
2. Asami, Shochi	do	3857
3. Asano Bussan Co., Ltd	Tokyo, Japan	64; 78
4. Auel, Minna (Estate of Emma J. Schoedde).	Germany	5076
5. Baer, Hedwig (estate of Bertha Baer).	do	971
6. Bandomer, Minna (estate of Johanna B. Fregin).	do	942
7. Barnoczky, Mrs. Paul (estate of Steve Kovacs).	Hungary	4322
8. Belz, Frieda Monheimer (estate of Sara M. Frank).	Germany	2278
9. Binneweis, Hans (estate of William Ferdinand Detert).	do	3619
10. Braendle, Agatha (estate of Michael Dobler).	do	2889
11. Dannhaeuser, Helen	Hassfurt am Main, Germany.	119
12. Dannhaeuser, William	do	119
13. Detert, Arnold (estate of William Ferdinand Detert).	Germany	3619
14. Detert, Elsbeth (estate of William Ferdinand Detert).	do	3619
15. Detert, Ferdinand (estate of William Ferdinand Detert).	do	3619
16. Detert, Hugo (estate of William Ferdinand Detert).	do	3619
17. Detert, Julie (estate of William Ferdinand Detert).	do	3619
18. Deyle, Emma (estate of Wilhelmina Westendorf).	do	905
19. Dobler, Albert (estate of Michael Dobler).	do	2889
20. Dobler, Anton (estate of Michael Dobler).	do	2889
21. Dobler, Johann (estate of Michael Dobler).	Paris, France	2889
22. Dobler, Joseph (estate of Michael Dobler).	Germany	2889
23. Dobler, Maria (estate of Michael Dobler).	do	2889
24. Dobler, Oskar (estate of Michael Dobler).	do	2889
25. Dobler, Reinold (estate of Michael Dobler).	do	2889
26. Doge, Mrs. Agnes (estate of Ferdinand P. Wulf).	do	2382
27. Dufft, Wilhelm	Wolfsschlucht, Triptis in Thueringen, Germany.	3307
28. Elfert, Maria	Schonung am Main, Germany.	6316
29. Fleck, Helma (estate of Ferdinand Detert).	Germany	3619
30. Fleck, Theodor (estate of Ferdinand Detert).	do	3619
31. Fregin, Eric (estate of Johanna B. Fregin).	do	942
32. Fregin, Ernest (estate of Johanna B. Fregin).	do	942
33. Fukuda, J. (Jinzo)	Kanaya, Imamoto, Miyako, Fukuoka, Japan.	3020
34. Gassmann, Eugene	Stuttgart, Germany	7134
35. Gerber, Martha (estate of William Ferdinand Detert).	Germany	3619
36. Gleichmann, Elise (estate of Frederic Max Hohlweg).	do	1304
37. Groth, Marie Magdalena	Suderholm, Germany	80; 537
38. Gutzmer, Conrad (estate of Johanna B. Fregin).	Germany	942
39. Gutzmer, Greta (estate of Johanna B. Fregin).	do	942
40. Hahne, Nellie (estate of Lucy S. Peck).	Stuttgart, Wilhelmsbau, Germany.	5973
41. Handelmaatschappij, N. V. ("Waldorf").	Amsterdam, Holland	435
42. Harrassowitz, Otto	Querstrasse 14, Leipzig, Germany.	5814
43. Harsanyi, Zsolt De	Szent Janos 4, Budapest, Hungary.	1758
44. Haseloff, Margarete, a/k/a Margarete Laukant.	Brusselerstrasse 35, Berlin N. 65, Germany.	7660
45. Hesco Import Company	Closter, N. J.	193
46. Hessenbruch, Mrs. Elisabeth	Remscheid, Germany	193
47. Hessenbruch, Mrs. Emmy	Bonn, Germany	193
48. Hessenbruch, Mrs. Johanne	Remscheid, Germany	193
49. Huber, Georg (estate of Michael Dobler).	Germany	2889
50. Huber, Josef (estate of Michael Dobler).	do	2889
51. Huber, Karl (estate of Michael Dobler).	Germany	2889
52. Hoch, Agatha, nee Dobler (estate of Michael Dobler).	do	2889
53. Holmstroem, Anton	Knooperweg 110, Kiel, Germany.	2201
54. Holmstroem, Herman	Paulstrasse 16, Hamburg-Altona, Germany.	2201
55. Intercontinental, A. G	Nador Ucca 20, Budapest, Hungary.	174
56. Itoh & Co., Ltd., C	Osaka, Japan	S. O. 50; 9282; 10065
57. Iwai & Co., Ltd	do	81
58. Iwahara, Taketo	Japan	2975
59. Iwakami, Junko	Yokohama, Japan	3405
60. Iwakami, Kenzuke	Japan	3405
61. Iwakami, Kotaro	Yokohama, Japan	3405
62. Iwakami, Yoshito	do	3405
63. Iwakami, Taiji	do	3405
64. Jaeger, Karoline, nee Dobler (estate of Michael Dobler).	Germany	2889
65. Johannes Bischoff and Company	Bremen, Germany	1491
66. Junkers and Company, G. m. b. H.	Dessau, Germany	13; 27; 68; 112; 141; 201; 235; 675.
67. Karle, Sophia (estate Rev. A. Klenhoefer).	Germany	4303
68. Katoka, Kazuo	Tokyo, Japan	2087
69. Katoka, Toshiko	do	2087
70. Klenhoefer, Joseph (estate Rev. A. Klenhoefer).	Germany	4303
71. Kiuchi, Jushiro	Japan	823
72. Kloeden, Hans von	Trautenau, No. 15, Berlin Wilmersdorf, Germany.	2562
73. Kovacs, Bela (estate of Steve Kovacs).	Hungary	4322
74. Kovacs, Ferenez (estate of Steve Kovacs).	do	4322
75. Kovacs, Lajos (estate of Steve Kovacs).	do	4322
76. Kovacs, Mrs. Laszlo (estate of Steve Kovacs).	do	4322
77. Kruse, Martha (estate of William Ferdinand Detert).	Germany	3619
78. Lauer, Mrs. A. (Antonie)	Kiel, Germany	6165
79. Lehr, Albert (estate of Marie L. Schillgen).	Germany (Austria)	1620
80. Lehr, Franz (estate of Marie Schillgen).	Germany (Sudetenland)	1620
81. Lehr, Johann (Hans) (estate of Marie Schillgen).	Germany	1620
82. Lehr, Joseph (estate of Marie Schillgen).	Germany (Austria)	1620
83. Lehr, Mario (estate of Marie L. Schillgen).	do	1620
84. Lehr, Oswald (estate of Marie L. Schillgen).	do	1620
85. Lehr, Siegfried (estate of Marie L. Schillgen).	do	1620
86. Lehn, Mrs. Lotte	Remscheid, Germany	193
87. Mai, Emilie	Abersfeld, Unterfranken, Germany.	6243
88. Maus, Henny (estate of William Ferdinand Detert).	Germany	3619
89. Michima, Sumio	825 Hon-machi, Yoyogi, Shibuya-ku, Tokyo, Japan.	1758
90. Menkelmer, Heinrich	Germany	3273
91. Merimura Bros. Inc	Tokyo, Japan	79
92. Moermeter, Gus, a/k/a Mohrmeyer, Gustav (estate George Moermeter, also spelled George Merrmeier).	Germany	5215
93. Merrmeier, Henry, a/k/a Mohrmeyer, John Frederick Henry (estate George Moermeter, also spelled George Merrmeier).	do	5215
94. Mueller, Carmelita, a/k/a Meyerhoff, Carmelita Mueller.	Goettingen, Germany	165
95. Mueller, Hillegarde, a/k/a Melchelmer, Hillegarde Mueller.	Traben Trarbach ad Mosel, Germany.	165
96. Muendle, Maria (estate of Michael Dobler).	Germany	2889
97. Murata & Co., S	707 Wall St., Los Angeles, Calif.	2702
98. Nachrmittelfabrik, Julius Penner A. G.	Berlin, Germany	201
99. Neuhammer, Franziska (estate of Sara M. Frank).	Germany	2278

APPENDIX A—Continued

Name of debtor	Last known address	Vesting order No.
100. Neubronner, Dr. Gustav Friedrich (estate of Sara M. Frank).	Germany	3278
101. Ortenberger, Asta (estate of Sara M. Frank).	do	3278
102. Rivert, Adolph (estate of Sara M. Frank).	do	3278
103. Rohr, Margarethe (estate of William Ferdinand Detert).	do	3619
104. Rolfe, Sophia Christine	Suderholm, Germany	80; 337
105. Ronsheimer, Elsa Monheimer (estate of Sara M. Frank).	Germany	3278
106. Rozsalyi, Mrs. Jos. (estate of Steve Kovacs).	Hungary	4322
107. Sanko Kabusiki Kaisya	Osaka, Japan	9282; S. O. 59; 10065
108. Schaller, Gertrud Fleck (estate of William Ferdinand Detert).	Germany	3619
109. Schaller, Gertrud Fleck (estate of William Ferdinand Detert).	do	3619
110. Schleicher, Emma	Abersfeld, Unterfranken, Germany.	6351
111. Schmidt, Henny (estate of William Ferdinand Detert).	Germany	3619
112. Schmidt, Sofie (estate of Michael Dobler).	do	2889
113. Schmelder, Kurt	Meerane, Saxony, Germany.	7298
114. Showe, Gertrude (estate of Johanna B. Fregin).	Germany	942
115. Seltzer, Josepha (estate of Rev. A. Kienhoefer).	do	4393
116. Showa Tsusho Kaisha, Ltd	Tokyo, Japan	178
117. Spiegel, Ferdinand	Ludwigshafen-Mundenheim, Germany.	6353
118. Spiegel, Ludwig	Frankenthal, Germany	6354
119. Sternberg, Henny Monheimer (estate of Sara M. Frank).	France	3278
120. Sternberg, Lile (estate of Sara M. Frank).	do	3278
121. Stoffregen, Edward (estate of Henrietta A. S. Borck).	An der Bonnesse 16, Emden, Germany.	7949
122. Strauss, George	Frankfort A/Main, Germany.	3973
123. Sybel, Else	Adolf-Eystrasse 10A, Hannover, Germany.	6355
124. Tennar, Felix, G. m. b. H.	Germany	634
125. Tesch, estate of E. T., deceased	Remscheid, Germany	193
126 Theden, Antje Catharina	Suderholm, Germany	80; 337
127. Theden, Heinrich	Glasshutten, Germany	80; 337
128. Theden, Heinrich, a/k/a Claus Heinrich.	Suderholm, Germany	80; 337
129. Toda, Harold Shotaro	7 Aobacho, Shibuya-Ku Tokyo, Japan.	4415
130. Tofukuji, Kaoru	c/o Nanyo Hohatsu Kaisha, Medical Office, Charanca, Saipan Nanyo, via Yokohama, Japan.	4167
131. Tofukuji, Tome	do	4161
132. Tornquist; Alexander (estate of Hugo C. Fett).	Germany	2711
133. Tornquist, Ellen (estate of Hugo C. Fett).	do	2711
134. Verrins Bank in Hamburg	Hamburg, Germany	6133
135. Voelke, Johann (estate of Michael Dobler).	Germany	2889
136. Voelke, Theodor (estate of Michael Dobler).	do	2889
137. Vonbruel, nee Huber (estate of Michael Dobler).	do	2889
138. Voss, Otto (estate of Johanna B. Fregin).	do	942
139. Voss, Paul (estate of Johanna B. Fregin).	do	942
140. Wakymoto, Seiichi	Japan (by repatriation)	370
141. Warburg & Co., M. M.	Ferdinand Str. 75, Postschliessfach 744, Hamburg, Germany.	6694; 6709
142. Wassermeyer, Dr. "Henry," whose true first name is unknown (estate of Lucy S. Peck).	Alsbach, Germany	3973
143. Wertheimer, Bertha (estate of Sara M. Frank).	Germany	3278
144. Wertheimer, Elise (estate of Sara M. Frank).	do	3278
145. Wertheimer, Johanna (estate of Sara M. Frank).	do	3278
146. Wertheimer, Thekla (estate of Sara M. Frank).	do	3278
147. Westminester Industrial Corp. (Ergo Machine Works).	630 5th Ave., New York, N. Y.	18
148. Wulf, Miss Dora (estate Ferdinand P. Wulf).	Germany	2382
149. Zeiss, Carl	Jena, Germany	68; 163; 201; 1027; 1232; 1503; 2430; 1517; 1637; 1639; 1670; 2617.
150. Zumkowski, Anna Marie	Miltkestrasse 8, Rendsburg, Germany.	2201

[F. R. Doc. 47-11232; Filed, Dec. 19, 1947; 8:50 a. m.]

[Dissolution Order 71]

FIFTH AVENUE CUTLERY SHOP, INC.

Whereas, by Vesting Order Number 766, dated January 25, 1943 (8 F R. 2452, February 26, 1943) there were vested all the issued and outstanding shares of the capital stock of Fifth Avenue Cutlery Shop, Inc., a New York corporation; and

Whereas, Fifth Avenue Cutlery Shop, Inc. has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of Fifth Avenue Cutlery Shop, Inc. (to wit, M. S. Watts, President and Director, Stanley B. Reid, Secretary and Director, and L. M. Reed, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of Fifth Avenue Cutlery Shop, Inc., and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied, first, in satisfaction of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and, further orders, that all actions taken and acts done by the said officers and directors of Fifth Avenue Cutlery Shop, Inc. pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 16th day of December 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-11231; Filed, Dec. 19, 1947; 8:50 a. m.]

[Vesting Order 10145]

ANNA WREDE

In re: Stock owned by Anna Wrede. F-28-7980-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Wrede, whose last known address is Gerh. Rohlfs Str. 65, Bremen-Vegesack, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: 2,400 shares of $1.00 par value capital stock of American Security & Fidelity Corporation, a corporation organized under the laws of the State of California, evidenced by certificate number 81-A, dated February 26, 1932, registered in the name of Anna Wrede, and presently in the custody of American Security & Fidelity Corporation, 1712 Glendale Avenue, Glendale, California, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-11221; Filed, Dec. 19, 1947; 8:48 a. m.]

[Vesting Order 10159]

JOSEPH HEINLEIN

In re: Estate of Joseph Heinlein, deceased. File No. D-28-11458; E. T. sec. 15685.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Heinlein and Eva Thoma, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Joseph Heinlein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Oscar L. St. John, as administrator, D. B. N., acting under the judicial supervision of the Court of Probate, District of Greenwich, Connecticut;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made, and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-11222; Filed, Dec. 19, 1947; 8:48 a. m.]

[Vesting Order 10160]

LENA D. HESSE

In re: Estate of Lena D. Hesse, deceased. File No. D-28-11130; E. T. sec. 15544.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Hesse Wortmann and Joseph Boerger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in sub-paragraph 1 hereof in and to the Estate of Lena D. Hesse, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Fred Froede and Clarence G. Ehrle, as coexecutors, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-11223; Filed, Dec. 19, 1947; 8:48 a. m.]

[Vesting Order 10161]

GEORGE HUSTER

In re: Estate of George Huster, deceased. File D-63-226; E. T. sec. 3492.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugen Huster and Karl Huster, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of $119.73 was paid to the Attorney General of the United States by The Ninth Bank and Trust Company, Administrator d. b. n. c. t. a., of the estate of George Huster, deceased;

3. That said sum of $119.73 was accepted by the Attorney General of the United States on August 5, 1947, pursuant to the Trading with the Enemy Act, as amended;

4. That the sum of $119.73 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-11224; Filed, Dec. 19, 1947; 8:48 a. m.]

[Vesting Order 10162]

RYOHEI KATO

In re: Estate of Ryohei Kato, deceased. File No. D-39-5832; E. T. sec. 16214.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ryoichi Nakaza, Franklyn Akihito Fukazawa and Taketaro Nakaza, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof and each of them, in and to the Estate of Ryohei Kato, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Japan)

3. That such property is in the process of administration by George Kiyoguchi, as executor, acting under the judicial supervision of the Third Judicial District Court, County of Salt Lake, Utah;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-11225; Filed, Dec. 19, 1947; 8:48 a. m.]

[Vesting Order 10163]

KATHERINE KIEFER

In re: Rights of Katherine Kiefer under insurance contract. File No. F-28-19736-H-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Kiefer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4428896, issued by the New York Life Insurance Company, New York City, New York, to Henry Kiefer, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-11226; Filed, Dec. 19, 1947; 8:48 a. m.]

[Vesting Order 10266]

P. BEIERSDORF & CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That P. Beiersdorf & Co., A. G., the last known address of which is Eidelstedterweg 48, Hamburg, Germany, is a corporation organized under the laws of Germany which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany),

2. That all of the issued and outstanding capital stock of P. Beiersdorf & Co., Inc., a corporation organized under the laws of the State of New York and a business enterprise within the United States, consisting of 100 shares of $100 par value common stock, is registered in the names of the following persons in the amount appearing opposite each name:

Names:	*Number of shares*
A. Carl J. Herzog	95
B. Chemische Fabrik Pilot, A. G.	2
C. George Weber	1
D. Pauline von Klein	1
E. Richard Doetsch	1
	100

and, subject to such interest as the Wells Fargo Bank & Union Trust Co., San Francisco, California, may have as pledgee in the 97 shares registered in the names following letters A, C and D above, is beneficially owned by P. Beiersdorf & Co., A. G. and is evidence of ownership and control of said business enterprise;

and it is hereby determined:

3. That P. Beiersdorf & Co., Inc. is controlled by P Beiersdorf, A. G., Hamburg, Germany, or is acting for or on behalf of a designated enemy country (Germany) or persons within such country, and is a national of a designated enemy country (Germany)

4. That to the extent that the persons named in subparagraphs 1 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the 100 shares of $100 par value common stock of P Beiersdorf & Co., Inc., more fully described in subparagraph 2 hereof, together with all declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

The direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, said business enterprise is hereby undertaken, to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the ex-

tent of or terminate such direction, management, supervision or control.

The terms "national" "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-11227; Filed, Dec. 19, 1947; 8:48 a. m.]

[Vesting Order 10290]

P BEIERSDORF & Co. A. G.

In re: Contract interests owned by P. Beiersdorf & Co. A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That P Beiersdorf & Co. A. G. is a corporation organized under the laws of Germany which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows:

a. All interests and rights (including all royalties and monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in P. Beiersdorf & Co. A. G. by virtue of an agreement dated May 7, 1934 and effective January 1, 1935 (including all modification thereof and supplements thereto, if any) by and between P. Beiersdorf & Co. A. G. and P Beiersdorf & Co. Inc., which agreement relates to the right to manufacture and sell certain products within the United States, and

b. All interests and rights (including all royalties and monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Chemische Fabrik Pilot A. G., Switzerland, by virtue of an agreement dated May 31, 1940 and retroactive to October 1, 1939, (including all modification thereof and supplements thereto, if any) by and between Chemische Fabrik Pilot A. G. and P Beiersdorf, Inc., which agreement relates to the right to manufacture and sell certain products within the United States,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-11228; Filed, Dec. 19, 1947; 8:48 a. m.]

[Vesting Order 10294]

P. BEIERSDORF AND CO. A. G.

In re: Securities and bank account owned by P. Beiersdorf & Co. A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That P Beiersdorf & Co. A. G., the last known address of which is Eidelstedterweg 48, Hamburg, Germany, is a corporation organized under the laws of Germany which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A and presently in the custody of the Wells Fargo Bank & Union Trust Co., San Francisco, California, together with all declared and unpaid dividends thereon,

b. Those certain debts or obligations owing to Chemische Fabrik Pilot A. G. by Wells Fargo Bank & Union Trust Co., San Francisco, California, in the total amount of $31,185.32 as of December 31, 1945, and any and all accruals thereto, evidenced by Time Certificates of Deposit, registered in the name of Humbert & Co. and issued by, and presently in the possession of, said Wells Fargo & Union Trust Co., and any and all rights to demand, enforce and collect the aforementioned debts or other obligations and any and all rights in, to and under the aforementioned Time Certificates of Deposit,

c. One hundred shares of the capital stock of Chemische Fabrik Pilot, A. G., a corporation organized under the laws of Switzerland, registered in the name of Richard Doetsch and presently in the custody of the said Wells Fargo Bank & Union Trust Co., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above in subparagraph 2 hereof, subject to such interest as the Wells Fargo Bank & Union Trust Co., San Francisco, California, may have as pledgee in the property described in subparagraph 2a and b hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Number of shares	Certificate No.	Name of issuing corporation	Name of registered owner	Held at—
1	1	Horts Pharmaceutical, Ltd.	Arthur Vandyk	Wells Fargo Bank & Union Trust Co., San Francisco, Calif.
2,093	3	do	Geoffrey Kellie	Do.
1	4	do	Frederick Smith	Do.
10	1	Beiersdorf Societe Anonyme	Bearer	Do.
10	2	do	do	Do.
9,990	14	do	Richard Doetsch	Do.
100	1-100	Beiersdorf, N. V.	Bearer	Do.

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